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THE REPORT OF THE ORGANIZED CRIME

INDEPENDENT REVIEW COMMITTEE

BRITISH COLUMBIA'S RESPONSE TO ORGANIZED CRIME

Committee

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September 15, 1998

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BRITISH
COLUMBIA

September 15, 1998

Ujjal Dosanjh, Q.C.
Attorney General of British Columbia
Parliament Buildings
Victoria, BC V8V IX4

Dear Mr. Attorney:

We are pleased to submit this report of organized crime in British Columbia and our recommendations for changes to the law enforcement structures, processes and resources to combat it within the province.

Respectfully,

Stephen Owen

Stephen Owen, Q.C.
Chair

Robert J. Stewart

Richard A. Bergman

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MINISTRY OF ATTORNEY GENERAL

Independent Review Committee

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ACKNOWLEDGEMENT

The Committee acknowledges and commends the outstanding efforts of the staff members who supported this review and made the completion of this report possible within the short timeframe.

Policy counsel Keith Hamilton had primary responsibility for summarizing the many committee hearings and deliberations and for concisely drafting the report. Policy Analyst Gerry Steams researched and summarized large amounts of documentation and data to help the Committee understand the complex dynamics involved in organized crime groups and law enforcement agencies. Trish Atchison provided efficient administration for the Committee's work throughout.

The Committee also thanks the many individual law enforcement officers and justice officials of all ranks and levels who provided information and advice to this review. While opinions differed on controversial and complex issues, we were impressed by the good faith and professionalism underlying everyone's contribution.

All conclusions and recommendations contained in this report are the responsibility of the Committee members alone.

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EXECUTIVE SUMMARY

Magnitude of the organized crime problem

The Canadian illicit drug market is estimated at between $7 and $10 billion. Some organized crime groups import heroin and cocaine, while others cultivate and export high-grade hydroponically-grown marihuana in exchange for cocaine. Organized criminals are active in Canada's $8 to $9 billion economic crime industry, committing large-scale telemarketing, cellular phone and credit card frauds.

Canadian governments lose $1.4 billion annually to alcohol, tobacco and jewellery smuggling, and $150 million worth of stolen automobiles are exported by organized criminals to Europe, Africa and Asia. Up to $17 billion earned from organized crime activities is laundered annually in Canada. Prostitution and the related sex trade in Canada are largely controlled by organized crime.

The principal organized crime groups in Canada and British Columbia are outlaw motorcycle gangs (especially the Hell's Angels) and Asian, Eastern European, Indo-Canadian and Italian organized crime groups. While some groups have rigid hierarchical structures, others are more opportunistic, forming and disbanding on a crime-by-crime basis.

As a first step in combatting organized crime, British Columbia should develop a more accurate and detailed picture of the scope and magnitude of crime group activities. Current levels of public funding for B.C.'s anti-organized crime initiatives should be maintained while the new organizational model recommended by the Committee is developed and implemented. Increased funding should be contingent on proven effectiveness and success.

Current approaches to combatting organized crime

Nationally, the Solicitor General is responsible for Canada's response to organized crime. Operationally, the R.C.M.P. has specialized intelligence and enforcement units to combat drug importation and trafficking, investigate economic crimes and seize proceeds of crime. It also administers the National Police Services, including Criminal Intelligence Service Canada (C.I.S.C.) which exchanges criminal intelligence among Canadian law enforcement agencies. In July, the Solicitor General published a national action plan on organized crime, advocating greater federal and provincial coordination of, and increased funding for, anti-organized crime initiatives.

In British Columbia, the Coordinated Law Enforcement Unit (C.L.E.U.) has, since 1974, brought together civilian criminal intelligence analysts and police officers from contributing independent police departments and from the R.C.M.P. to target organized crime groups and to undertake enforcement operations. Eight specialized units target the main organized crime groups and proceeds of crime, as well as monitoring air travel and B.C.'s international ports. A policy analysis unit provides tactical and strategic analysis, and policy advice to the Attorney General. Criminal Intelligence Service British Columbia (C.I.S.B.C.), the provincial bureau of C.I.S.C., housed within C.L.E.U., also collects, analyses and disseminates organized criminal intelligence.

There are numerous criminal intelligence data bases at the federal, provincial and municipal levels that contain information about organized crime activities. However, most are incapable of communicating with each other, and there is very poor coordination in the collection, analysis and dissemination of organized criminal intelligence.

Committee consultation

The Committee discussed with over 100 police officers and justice officials at all levels of seniority, British Columbia's response to organized crime (especially C.L.E.U.), received numerous written submissions and reviewed publications on various organized crime issues. The Committee identified several key obstacles to an effective response:

- without a detailed quantification of the organized crime problem in B.C., it is difficult to make targetting and enforcement decisions, determine effectiveness and develop legislative initiatives,
- excluding drug investigations from C.L.E.U.'s mandate severely limits its effectiveness,
- there is no centralized organized criminal intelligence system within the Province,
- a coordinated response to organized crime, which C.L.E.U. originally provided, has been lost,
- C.L.E.U. is trying to do too much with too few resources,
- most independent police departments and the R.C.M.P. are no longer assigning officers to C.L.E.U. on an equitable basis,
- uneven C.L.E.U. leadership, a lack of accountability and workplace conflict have undermined morale in all ranks,
- lack of a comprehensive funding agreement and a steady erosion of federal and provincial funding for anti-organized crime initiatives have weakened intelligence, operations and policy development functions.

Essential elements

B.C.'s response to organized crime must complement the national and other provincial strategies, must not be distracted from its organized crime mandate by assisting local police forces on inter-jurisdictional and major crime cases, must cover the entire province and must involve all relevant law enforcement and criminal justice agencies in an integrated response.

It must be flexible enough to respond to the ever-changing face of organized crime, be funded and staffed adequately to use specialized investigative and prosecutorial methods and be managed by senior police officers with an expertise in combatting organized crime.

B.C.'s response must include a permanent integrated organized criminal intelligence system, with uniquely configured *ad hoc* enforcement projects staffed by experienced police officers drawn from contributing law enforcement agencies and by legal advisors. Projects should be approved and funded by a province-wide joint management team of senior operational police officers.

Police independence must be safeguarded and ultimately there should be accountability to civilian authority. The Attorney General must be kept regularly and accurately informed of the magnitude of the organized crime problem, emerging trends and the need for legislative and regulatory reforms.

Developing an effective response to organized crime

B.C.'s response should include six key functions:

- every medium and large police force and R.C.M.P. detachment should have a full-time criminal intelligence unit and information about organized crime should be entered into a centralized criminal intelligence system. An adequately resourced permanent organized criminal intelligence unit should be established,
- there should be one centralized data base in B.C. for all organized criminal intelligence, accessible to all law enforcement partners on a need-to-know basis. Criminal intelligence should be subjected to tactical, strategic and policy analysis by adequately resourced and appropriately trained analysts,
- a single joint management team that represents the interests of all relevant law enforcement partners should receive, evaluate, approve and prioritize organized crime enforcement projects,
- law enforcement agencies should contribute experienced officers to project-specific Joint Forces Operations (JFO),
- each JFO should go through a post-operational debriefing, to identify new targets and additional intelligence,

- strategic intelligence and post-operational debriefings should be used to keep the Attorney General informed of important policy issues.

Administrative and oversight structures

Criminal Intelligence Service British Columbia (C.I.S.B.C.) should be designated as the lead agency for organized criminal intelligence gathering and analysis in B.C., and an Intelligence Task Force should be established to develop and implement a protocol ensuring that all law enforcement partners enter their criminal intelligence into the C.I.S.B.C. system. New and equitably resourced permanent organized criminal intelligence units should be established within C.I.S.B.C., with a mandate to monitor the activities of organized crime groups.

With an enhanced mandate and more broadly-based board, C.I.S.B.C. should become a designated policing unit under the *Police Act* and the lead agency to oversee B.C.'s response to organized crime. A province-wide C.I.S.B.C. Joint Management Team should accept, evaluate, approve and prioritize operational project proposals. C.I.S.B.C. should have a Superintendent-level Officer in Charge, and *ad hoc* JFO project managers should report regularly to the Officer in Charge during each project.

C.I.S.B.C. should be adequately staffed and resourced to provide project-specific JFOs with all necessary support equipment and services beyond that which can be pooled from contributing law enforcement partners.

The Director of Police Services of the Ministry of Attorney General should be responsible for the development of policy relating to organized crime in British Columbia.

SUMMARY OF RECOMMENDATIONS

Recommendation 1

A detailed quantification of the magnitude of the organized crime problem in British Columbia should be prepared as a first priority, and should be updated at least annually.

Recommendation 2

Current levels of public funding for British Columbia's anti-organized crime initiatives should be maintained while the new organizational model recommended in this Report is developed and implemented. Overall human resource contributions should be maintained as well, although the relative contributions from specific law enforcement partners should be adjusted to ensure equity.

Recommendation 3

Increased funding for British Columbia's response to organized crime should be contingent on the proven effectiveness of the new organizational model, and on proven intelligence, accurate targeting, priority-setting and operational successes.

Recommendation 4

All law enforcement agencies have a criminal intelligence responsibility. Each medium and large municipal police department and R.C.M.P. municipal detachment in the province should have a full-time criminal intelligence unit. This unit should ensure that front-line officers:

- have current information about organized crime groups and individuals operating in their jurisdiction, and the nature of their activities,
- understand the important role they play in routinely gathering information about organized crime activity in their jurisdiction, and
- enter information about organized crime into a centralized criminal intelligence system.

Recommendation 5

The R.C.M.P., Revenue Canada, Citizenship and Immigration Canada and other federal law enforcement agencies must ensure that their officers:
- understand the important role they play in routinely gathering information about organized crime activity, and
- enter information about organized crime into a centralized criminal intelligence system.

Recommendation 6

There should be, within British Columbia, a permanent organized criminal intelligence unit, adequately resourced to monitor the activities of known organized crime groups and individuals. Information acquired by this unit should be entered into a centralized intelligence system. This unit should take the lead role in liaising and sharing intelligence on a need-to-know basis with anti-organized crime agencies in other Canadian and foreign jurisdictions.

Recommendation 7

There should be one centralized data base in British Columbia for all organized criminal intelligence, which contains all known information about organized crime or pointers that direct users to information held in other accessible data bases or held by named individuals.

Recommendation 8

British Columbia must have an intelligence analysis capacity, adequately resourced and appropriately trained, to undertake tactical, strategic and policy analysis, which should guide all decisions respecting targeting, enforcement and policy development.

Recommendation 9

British Columbia's centralized criminal intelligence data base should be accessible to all law enforcement partners on a need-to-know basis, with appropriate security safeguards to prevent unauthorized disclosure of confidential information. Law enforcement partners should be promptly informed of organized criminal intelligence affecting their mandate.

Recommendation 10

The Province should coordinate the development of a single targeting body (such as the Joint Management Team proposed in Recommendation 15) that represents the interests of all relevant law enforcement partners. This management body should be adequately funded and resourced to receive, evaluate, approve and prioritize organized crime enforcement projects.

Recommendation 11

The province should commit itself to developing an anti-organized crime response that relies on project-specific Joint Force Operations in which:

- law enforcement partners contribute experienced officers with appropriate specialized training,
- the agency with the greatest interest in the project normally be designated as the lead agency, and
- all participating agencies reduce to writing their commitment of human, material and financial resources.

Recommendation 12

The Attorney General, in the exercise of his statutory responsibility under the *Police Act* to ensure that an adequate and effective level of policing and law enforcement is maintained throughout British Columbia, should:

- designate C.I.S.B.C. as the lead agency for organized criminal intelligence gathering and analysis,
- designate the Automated Criminal Intelligence Information System (A.C.I.I.S. II) as the centralized computer system for the storage of organized criminal intelligence in the province,
- direct all police and law enforcement agencies in the province to enter information about organized crime into A.C.I.I.S. II or to record in A.C.I.I.S. II pointers to other data bases in which such information is stored,
- ensure that C.I.S.B.C. is adequately resourced and funded, and staffed with appropriately trained personnel, to provide open source, tactical and strategic analysis, and to disseminate intelligence to appropriate agencies, and
- establish and fund an Intelligence Task Force representative of all law enforcement partners, to develop and implement a provincial protocol ensuring the entry of information about organized crime into A.C.I.I.S. II and the dissemination of organized criminal intelligence among law enforcement partners.

Recommendation 13

New and equitably-resourced permanent organized criminal intelligence units should be established within C.I.S.B.C., with a mandate to monitor the activities of identified organized crime groups and individuals.

Recommendation 14

The Attorney General should specify C.I.S.B.C. as a designated policing unit under the *Police Act* to be the lead agency to oversee British Columbia's response to organized crime, and should provide for the appointment of a C.I.S.B.C. board of directors (chaired by a police officer) which should include representation from at least the following:

- the R.C.M.P. "E" Division,
- the Ministry of Attorney General,
- the Department of Justice,
- each independent municipal police department that maintains a full-time criminal intelligence unit,
- one of the five largest R.C.M.P. detachments, and
- one of the other R.C.M.P. detachments.

Recommendation 15

The Attorney General should provide for the appointment of a C.I.S.B.C. Joint Management Team consisting of at least the following:

- the officer in charge of criminal operations for the R.C.M.P., "E" Division,
- the Deputy Chief Constable of the Vancouver Police Department in charge of operations,
- one senior officer from a Capital Regional District municipal police department,
- one senior officer from one of the five largest R.C.M.P. detachments, and
- one senior officer from a municipal police force or R.C.M.P. detachment, to be selected by the B.C. Association of Chiefs of Police, taking into account geographical representation.

Recommendation 16

The Joint Management Team should be mandated by the Attorney General to:

- accept, evaluate, approve and prioritize operational project proposals,

- determine each participating law enforcement agency's contribution of human, material and financial resources,
- designate the lead agency for each project, and
- ascertain and provide additional material and financial resources and specialized services that will be required.

Recommendation 17

There should be one police officer in charge of C.I.S.B.C., holding the rank of not less than Superintendent, who:

- meets exacting qualification criteria, and
- is selected by the Joint Management Team and the Attorney General for a non-renewable five-year term.

Recommendation 18

Each JFO should be led by a senior police officer from the lead agency, accountable to the Officer in Charge of C.I.S.B.C., who is responsible to ensure that the JFO is appropriately staffed and resourced and that it efficiently executes the operational plan.

Recommendation 19

C.I.S.B.C. should be adequately staffed and resourced to be able to provide JFOs with all necessary support equipment and services beyond that which can be pooled from the contributing law enforcement partners.

Recommendation 20

C.I.S.B.C. should develop:

- appropriate personnel, accounting and audit policies and procedures, and
- a single set of operational policies applicable to assigned intelligence officers.

Recommendation 21

The Director of Police Services of the Ministry of Attorney General should be responsible for the development of policy relating to organized crime.

Recommendation 22

The Attorney General, the Deputy Attorney General, the Director of Police Services or their delegate should represent the Government of British Columbia at regional, national and international meetings addressing organized crime policy issues.

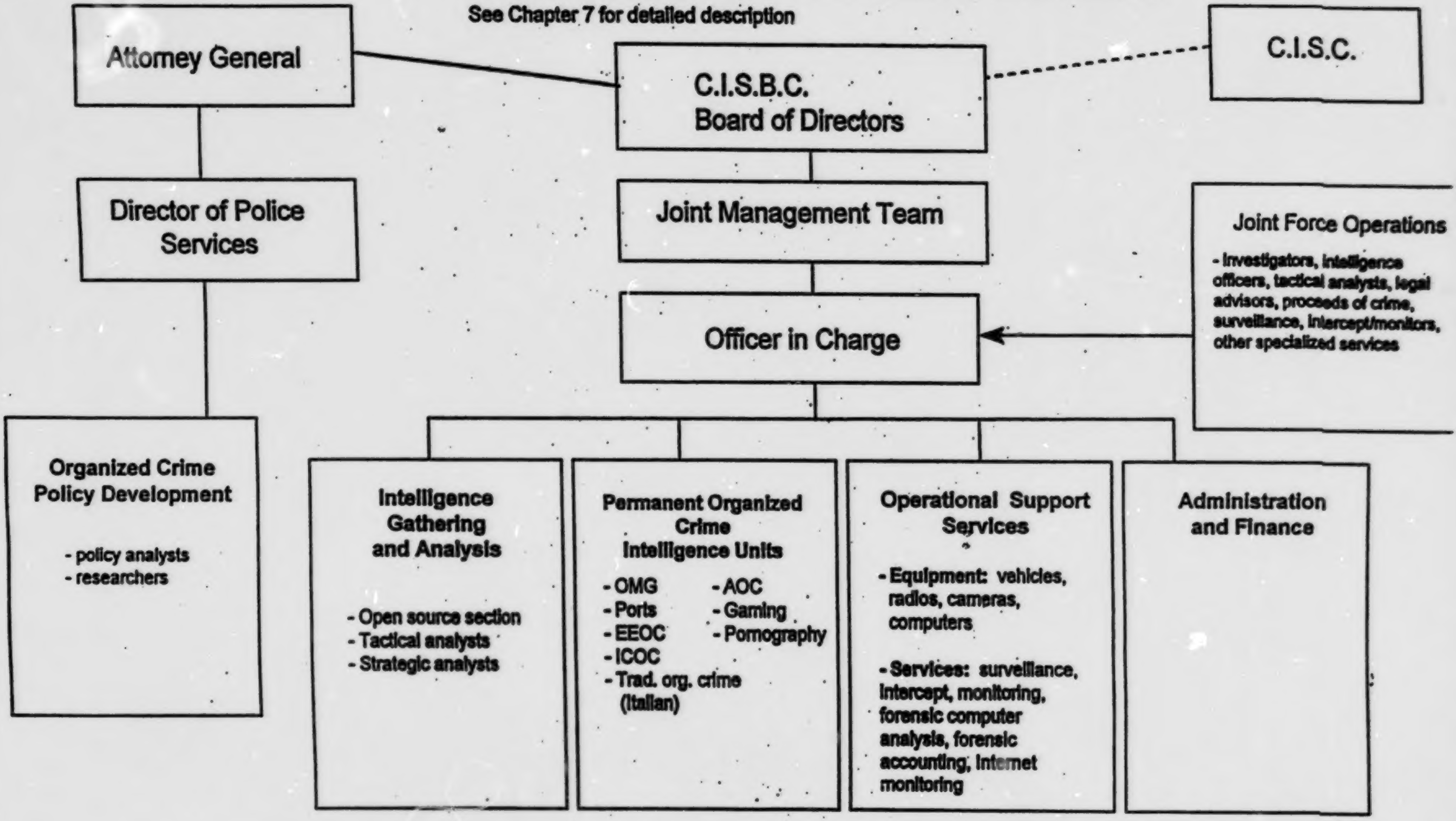
Recommendation 23

The Officer in Charge of C.I.S.B.C. should represent British Columbia on intelligence and operational matters respecting organized crime.

British Columbia's Response to Organized Crime

Administrative and Oversight Structures

See Chapter 7 for detailed description


Attorney General
C.I.S.B.C.
Board of Directors
C.I.S.C.
Director of Police Services
Joint Management Team
Joint Force Operations
- Investigators, intelligence officers, tactical analysts, legal advisors, proceeds of crime, surveillance, intercept/monitors, other specialized services
Officer in Charge
Organized Crime Policy Development
- policy analysts
- researchers
Intelligence Gathering and Analysis
- Open source section
- Tactical analysts
- Strategic analysts
Permanent Organized Crime Intelligence Units
- OMG
- Ports
- EEOC
- ICOC
- Trad. org. crime (Italian)
- AOC
- Gaming
- Pornography
Operational Support Services
- Equipment: vehicles, radios, cameras, computers
- Services: surveillance, intercept, monitoring, forensic computer analysis, forensic accounting, Internet monitoring
Administration and Finance

ABBREVIATIONS

A.C.I.I.S.	Automated Criminal Intelligence Information System
AOC	Asian Organized Crime
C.I.S.B.C.	Criminal Intelligence Service British Columbia
C.I.S.C.	Criminal Intelligence Service Canada
C.I.S.O.	Criminal Intelligence Service Ontario
C.L.E.U.	Coordinated Law Enforcement Unit
C.P.I.C.	Canadian Police Information Centre
C.R.D.	Capital Regional District
EDCAS	R.C.M.P. "E" Division's Criminal Analysis Section
EEOC	Eastern European Organized Crime
G.V.R.D.	Greater Vancouver Regional District
I.C.E.S.	Integrated Customs Enforcement System
ICOC	Indo-Canadian Organized Crime
I.P.O.C.	Integrated Proceeds of Crime Unit (R.C.M.P.)
J.F.O.	Joint Forces Operations
J.M.T.	Joint Management Team
N.C.D.B.	National Criminal Data Base
NSIS	National Security Investigation Section
OMG	Outlaw Motorcycle Gang
P.I.R.S.	Police Information Retrieval System
POC	Proceeds of Crime
R.C.M.P.	Royal Canadian Mounted Police
R.M.S.	Records Management System
S.I.U.S.S.	Special Investigative Unit Support System
V.D.S.	Vancouver Drug Section (R.C.M.P.)
V.I.I.U.	Vancouver Integrated Intelligence Unit

CHAPTER 1

INTRODUCTION

A. Mandate of the Committee

On June 9, 1998 Attorney General Ujjal Dosanjh appointed a three-member independent review committee with the following terms of reference:

Mandate of the Review:

To examine and assess the ability of law enforcement agencies in British Columbia to combat organized crime and outlaw motorcycle gangs in the context of evolving national strategy, and to provide a report recommending to the Attorney General of British Columbia, such changes as may be required to the structure, processes and resources for combatting organized crime in British Columbia.

Scope of the Review:

1. Program Rationale:

Examine the original and current objectives and mandates of existing anti-organized crime structures to determine if they are still relevant.

2. Program Structure

Provide an overview of the current organizational structures in place and the cost to the Province of combatting organized crime.

3. Program Effectiveness:

Determine if the present model and methods of combatting organized crime are meeting their objectives and mandate by examining:

- resource deployment, resource coordination, operational analysis and targeting against organized crime
- intelligence analysis and investigations in curtailing organized crime
- security requirements for anti-organized crime personnel
- jurisdictional issues on the effective delivery of an organized crime strategy
- the provincial strategy to ensure that it is compatible with the evolving national strategy
- Coordinated Law Enforcement Unit operations and policy analysis units as part of the anti-organized crime strategy, having particular regard to agency participation, governance, funding and staffing levels and police and civilian roles and responsibilities.

4. **Program Alternatives:**

To provide recommendations and advice on whether or not there are more appropriate models to combat organized crime.

Background:

The Coordinated Law Enforcement Unit was formed during the 1970s and proved to be a successful model for combatting organized crime during the 70s. In recent years, a number of senior police officials have been calling for a review of the organization.

Objectives:

A report to the Attorney General which addresses the above issues and provides recommendations on the direction for future action against organized crime.

Timeline:

September 15, 1998

B. Committee members

Stephen Owen, Q.C. is the Director of the Institute for Dispute Resolution and a member of the Faculty of Law at the University of Victoria, and a Commissioner of the Law Commission of Canada. He is a former Executive Director of the Legal Services Society, Ombudsman and Deputy Attorney General of British Columbia.

Robert J. Stewart is a former Chief Constable of the Vancouver Police Department. He is founder and past Chair of the Justice Institute of British Columbia Foundation, a member of the National Parole Board and President of R.J.S. Consulting Inc.

Richard A. Bergman is a former Deputy Commissioner of the Royal Canadian Mounted Police and the former Commanding Officer of "D" Division (Manitoba). As Deputy Commissioner, he was responsible for the R.C.M.P.'s National Police Services, which includes Criminal Intelligence Service Canada (C.I.S.C.). He is President of R. Bergman Consulting Services.

C. Support staff

Keith R. Hamilton is a lawyer in private practice who advises Canadian law societies on the governance of the legal profession and has acted as policy counsel to provincial commissions of inquiry examining prosecutorial discretion, electoral boundaries, policing, prison transfers, child protection and licensed gaming.

Gerry Stearns is a senior policy analyst with the Police Services Division of the Ministry of Attorney General. She is a Registered Psychologist and holds a Ph.D. in Organizational Psychology with specialization in police management. She is a former member of the Royal Canadian Mounted Police.

Trish Atchison is an executive assistant to the Assistant Deputy Minister with the Community Justice Branch of the Ministry of Attorney General, who was seconded to the Committee for the duration of this project.

D. Methodology

The professional experience of the Committee members provided a comprehensive understanding of the organization and operations of the R.C.M.P., municipal police departments in British Columbia and the Coordinated Law Enforcement Unit.

To assess the effectiveness of British Columbia's current response to organized crime, the Committee interviewed over one hundred police officers and civilians from R.C.M.P. "E" Division and municipal detachments, municipal police departments, the Coordinated Law Enforcement Unit, the federal Department of Justice, the provincial Ministry of Attorney General and the private sector. Appendix 1 lists those with whom the Committee consulted.

The Committee invited and reviewed numerous written submissions from the R.C.M.P., the Coordinated Law Enforcement Unit, municipal police departments, individual police officers and civilians working in the criminal justice system, and from individual members of the public. Appendix 2 lists those who provided the Committee with a written submission.

The Committee also reviewed reports on various organized crime issues prepared by the federal Department of the Solicitor General and by the Coordinated Law Enforcement Unit, some of which have been published and some of which were prepared exclusively for law enforcement agencies.

The Committee commissioned C.L.E.U. to prepare a report quantifying the magnitude of the organized crime problem in British Columbia That report, together with reports from the federal Department of the Solicitor General and Criminal Intelligence Service Canada, form the basis for Chapter 2 of this Report.

In order to gain a greater appreciation of the response to organized crime by the federal and other provincial governments, individual members of the Committee conducted interviews with senior police executives in the R.C.M.P. and with Criminal Intelligence Service Canada in Ottawa. The Committee consulted with various law enforcement agencies in Edmonton during the Canadian Association of Chiefs of Police annual meeting. The Committee met with the Commissioner of the Ontario Provincial Police (who also serves on Criminal Intelligence Service Ontario) and with senior officials from Alberta Justice who have just completed a comprehensive review of Alberta's response to organized crime.

The Committee's consultation process provided valuable insights into the manner by which law enforcement agencies in British Columbia combat organized crime. The Committee was sensitive to the fact that an interview process is by definition subjective, and was careful not to draw definitive conclusions. Although widely differing opinions were expressed on some issues, the Committee was impressed with how frequently common concerns, frustrations and solutions emerged. Ultimately, however, the Committee exercised its best judgment on the issues before it, and accepts full responsibility for its conclusions and recommendations.

E. Organization of the report

The Report begins by attempting to quantify the magnitude of the organized crime problem in Canada and British Columbia, as a clear picture of one's enemy is the first step in combatting it.

Next, the Committee describes the national, provincial and municipal law enforcement agencies currently in place whose mandate includes combatting organized crime.

Chapter 4 summarizes the results of the Committee's consultation process, which identifies the strengths and weaknesses of our current anti-organized crime structures and activities. Building on that review, Chapter 5 summarizes the obstacles to an effective response to organized crime.

Chapters 6 and 7 lay out the Committee's recommendations for the development of a more effective response to organized crime. Chapter 6 discusses the essential elements that should be incorporated. The first part of Chapter 7 moves to the six key functions that an effective response must include, and the second part of the Chapter presents the administrative and oversight structures that should be developed.

CHAPTER 2

MAGNITUDE OF THE ORGANIZED CRIME PROBLEM

A. Introduction

In the Committee's view an essential first step in combatting organized crime is to develop an accurate picture of its size, the types of activities in which it is engaged and the magnitude of those activities.

It is only with this quantification of the organized crime problem that law enforcement agencies can make informed targeting decisions, managers can measure the effectiveness of enforcement operations and government can take legislative and regulatory action.

The Committee discovered that no detailed quantification of British Columbia's organized crime problem exists. In the 1970s, C.L.E.U. produced three *Findings Reports*, which served this purpose. The only current publication of this nature is the Annual Report produced by Criminal Intelligence Service British Columbia (C.I.S.B.C.), but it is a brief, general description of organized crime groups, their geographical areas of activity and the categories of crime in which they are engaged. It provides very little detailed information about the magnitude of the organized crime problem, such as the quantity of drugs imported into the province annually, their market value or the amount of crime proceeds laundered.

In order to acquire as clear a picture as possible of the magnitude of the organized crime problem, the Committee:

- asked many of the people interviewed for their assessment of this issue,
- reviewed various publications, including the C.I.S.B.C. and Criminal Intelligence Service Canada (C.I.S.C.) annual reports,
- reviewed the August 1998 *Organized Crime Impact Study* published by the federal Solicitor General, and
- asked C.L.E.U. to provide a quantitative report to the Committee detailing each organized crime group's size, composition and activities, and describing each area of significant organized crime activity. The Committee's letter requesting this information is attached as Appendix 3. It includes examples of the types of information required.

This Chapter summarizes the magnitude of the organized crime problem in Canada and British Columbia, based on these sources of information.

B. ORGANIZED CRIME IN CANADA

1. Groups

There are 38 known **outlaw motorcycle gangs** in Canada. The Hell's Angels are by far the most powerful (with 14 chapters), wielding influence in every province except Ontario. Other gangs include the Rock Machine in Quebec, the Satan's Choice in Ontario, the Los Brovos in Manitoba, the Rebels in Saskatchewan and the Grim Reapers in Alberta.

Outlaw motorcycle gangs are heavily involved in the importation and distribution of cocaine, in the cultivation of hydroponically-grown marihuana and in many aspects of the sex trade.

The Hell's Angels extend their influence by affiliating with or taking control over other motorcycle gangs. This often involves violence, such as their bitter feud with the Rock Machine in Quebec.

Outlaw motorcycle gangs have a reputation for resorting to intimidation of police officers, correctional officers, potential witnesses and informers, and prosecutors.

There are three factions of **Italian organized crime** in Canada, operating primarily in British Columbia, Manitoba, Ontario and Quebec. Their primary criminal activities are drug (heroin, cocaine and hashish) importation and trafficking, and money laundering. They are also involved in murder, extortion, assault, contraband smuggling, gambling, loansharking and arson.

There is increasing evidence that Italian organized criminals associate with and engage in criminal activities with numerous other groups, including Eastern European groups and outlaw motorcycle gangs.

C.I.S.C.'s assessment is that the relatively low incidence of violence among Italian organized criminals shows that it is a fully mature organization with complete control over its jurisdiction and activities. It is able to use its accumulated wealth from criminal activities to invest in legitimate enterprises, and has been known to engage in corruption of political and financial leaders.

Asian organized criminals are firmly established in Vancouver and Toronto and, to a lesser extent, in Montreal, Calgary and Edmonton. Numerous groups operate, including traditional Triads, ethnic Chinese groups like the Big Circle Boys (Dai Huen Jai), and Laotian, Vietnamese and Cambodian street gangs.

These groups are deeply involved in the importation and distribution of cocaine and South East Asian heroin, home invasion robberies, murder, extortion, fraud, counterfeit and stolen credit cards, counterfeit currency, smuggling of commodities and illegal immigrants, telecommunications fraud, computer software pirating and money laundering.

Eastern European organized criminals operate in all regions of Canada, particularly Vancouver, Toronto and Montreal. They are active in extortion of émigré populations, large-scale shoplifting, prostitution, counterfeiting, drug smuggling, bank fraud, money laundering and the smuggling of luxury automobiles out of Canada.

Investigators believe that many high-ranking officials from the former Soviet regime have used the proceeds of crime from illegal Eastern European criminal activities for investment in legitimate Canadian businesses and financial institutions. Some groups are characterized by formal reporting and organizational structures, while others appear to be strictly venture-oriented, forming and disbanding on a crime-by-crime basis.

Aboriginal street gangs, such as the Manitoba Warriors based in Winnipeg, are involved in drug trafficking and prostitution. On Quebec reserves, liquor and tobacco products are smuggled into Canada and illegal aliens are smuggled into the United States

Colombian organized criminals are active in cocaine importation and trafficking. Leaders make use of commercial enterprises as cover for their illegal activities, blending into already existing Latin American business communities in several large cities. They rely on intricate money laundering networks to move drug funds offshore.

2. Activities

According to the Solicitor General's *Organized Crime Impact Study*, estimates of the size of the global **illicit drug market** range from US $100 billion to US $500 billion. The report adds:

> The most reliable Canadian government estimate of the Canadian illicit drug market is between $7 billion to $10 billion, based on seizure data and interdiction estimates. One of the best estimates of the size of the US market is the figure of US $57 billion calculated by the US National Drug Intelligence Center (NDIC).

Cannabis and cocaine are the most popular illicit drugs among Canadians, with 7.4% and 1% respectively of the population age 15 or over reporting usage during the past year. Half of one percent of Canadians have used heroin at least once in their life.

The R.C.M.P. reports that drug trafficking in Canada still constitutes a primary source of revenue for the so-called traditional organized crime groups, although entrepreneurs not aligned with such groups are also important importers and suppliers.

Hydroponically-grown marihuana from British Columbia can be sold in the United States for $6,000 a pound, twice what it will gain at home.

The *Impact Study* reported that the bulk of major **economic crimes** are committed by non-traditional organized crime groups such as Eastern European groups, or by two or more corrupt business people typically with no connection to traditional organized crime groups. The report summarized the annual estimate of economic crime by industry or fraud type (excluding medical insurance fraud and tax fraud):

Type of economic crime	Year	Estimated cost
Telemarketing fraud	1997	$4 billion
Stock market fraud	1997	> $3 billion
Insurance fraud	1996	$1-2.5 billion
Cellular phone fraud	1995	$650 million
Credit card fraud	1997	$127million
Motive fuel fraud	1996	$55 million

According to the International Organization for Migration, the black market for **people smuggling** worldwide may be up to $7 billion. The *Impact Study* conservatively estimates that 8,000 to 16,000 people are smuggled into Canada annually. Many of these make refugee claims. Governmental costs associated with refugee determination and social benefits for this number of people may range between $120 and $400 million annually.

According to the *Impact Study*, "the overall economic and commercial impact of **counterfeit products** on Canada, including entertainment products, auto parts, pharmaceuticals and software likely exceeds $1 billion."

Motor vehicle thefts cost the Canadian auto insurance industry $600 million in 1996, and this amount is increasing annually. According to Canada's Insurance Crime Prevention Bureau, 26% of cars stolen were not recovered, and this number is generally assumed to have been targeted by organized crime groups, which suggests that at least $150 million of industry losses are the result of organized criminal activity.

Money laundering is any act or attempted act to conceal or disguise the identity of illegally obtained proceeds so that they appear to have originated from legitimate sources. The Financial Action Task Force estimates that the annual amount of money laundered globally from all forms of organized criminal activity could reach between US $600 billion and US $1 trillion. About half that amount is attributable to annual worldwide laundering of illicit drug proceeds.

According to the *Impact Study*, the International Monetary Fund estimates that global money laundering is equal to about 2% of global Gross Domestic Product. Applying this ratio to Canada, the estimate of the amount of money laundered annually in Canada is $17 billion.

The *Impact Study* states that "Using 1995 estimates, the annual losses to government from **alcohol, tobacco and jewellery smuggling** [in Canada] amount to approximately $1.4 billion."

Environmental crime arises in three areas. Interpol estimates that the illegal **trafficking in endangered species** is worth US $6 billion worldwide annually, with profit margins second only to the illegal drug trade. Canada purportedly supplies a substantial portion of the US black market in chloroflurocarbons, an **ozone depleting substance.** Canada also produces approximately 5.9 million tonnes of **hazardous waste** annually. Over half this amount is sent to off-site disposal facilities for specialized treatment and recycling. The *Impact Study* observes that the treatment and disposal of hazardous waste is a highly profitable sector and one that is exceptionally vulnerable to fraudulent practices engaged in by organized crime groups. A 1990 study estimated that health care and loss of life costs (excluding cleanup costs) amounted to several billion dollars per year.

The **sexual victimization of children** is of increasing concern to law enforcement agencies. In addition to traditional prostitution and sex tourism activities, there is an increasing use of the Internet for the exchange of child pornography material, and paedophiles and sexual predators are using the Internet as a means of luring away and entrapping young children.

C. ORGANIZED CRIME IN BRITISH COLUMBIA

1. Groups

The Hell's Angels is the principal **outlaw motorcycle gang** in British Columbia. The six chapters (with numbers of "colour-wearing" members in brackets) are in Nanaimo (13), Vancouver (13), Burnaby (6), Coquitlam (16), Langley (14) and Pitt Meadows (13). The Hell's Angels also control clubs in Smithers (8), Squamish (6), Williams Lake (6), Kamloops (10) and Prince George (13).

Hell's Angels have a strict recruiting structure, with a number of formalized steps designed to weed out potential informants and undercover officers. A biker seeking admission as a Hell's Angel must progress through status as a club associate, hang around and prospect.

The Hell's Angels are active in the importation and distribution of cocaine, and in the production of hydroponically-grown marihuana. They allegedly control most stripper agencies, are active in escort services and street prostitution and, through dock workers' unions, are influential in smuggling through British Columbia's international ports.

Some law enforcement authorities maintain that B.C.'s Hell's Angels are among the wealthiest biker gangs in the world, and invest their crime proceeds in legitimate businesses, including local and offshore real estate.

There are several **Asian organized crime groups** operating in British Columbia. There are 8 *Triads*, who are active in drug importation and trafficking, extortion, prostitution, murder, kidnapping, breaking and entering and the export of stolen vehicles. There are about 200 hardcore members of the *Big Circle Boys* (Dai Huen Jai), originating from the People's Republic of China and Hong Kong who are active in similar offences, as well as cellular phone and counterfeit credit card fraud, home invasion robberies and murder.

Ethnic Vietnamese gangs have no real leadership or hierarchy, and their membership varies between 200 and 300 participants. Intelligence suggests that they control much of the street-level hard drug trafficking in Vancouver, and that they are also active in break and enters, assaults, home invasions, insurance frauds and murder. The *Lotus Gang*, with about 100 members, is active in cellular phone and credit card fraud, drug importation and trafficking, extortion and robbery.

Eastern European organized criminals from numerous former Soviet republics have been identified in British Columbia, although the exact number of members and their specific criminal activity is not clear. A decade ago they were involved in violent feuds over the importation and distribution of heroin and cocaine.

They use the I-5 corridor between Los Angeles and Vancouver for smuggling, drug importation and money laundering. Criminal intelligence suggests that Eastern European organized criminals are involved in bringing into Canada large amounts of criminal proceeds which they invest in legitimate businesses, and are active in exporting stolen automobiles and devising complex commercial frauds. They are suspected of using extortion tactics against Russian athletes. There are indications that they collaborate with other organized crime groups such as outlaw motorcycle gangs, Italian organized criminals and Triads.

Investigators have identified five major **Indo-Canadian organized crime groups** involving about 80 hardcore members, who typically grew up together or are related through family ties. There is very little formal organization within these groups. They are associated with drug trafficking, the importation of restricted weapons, drive-by shootings, assaults, drug "ripoffs", counterfeiting, credit card fraud, intimidation, obstruction of justice and extortion. They work cooperatively with numerous other organized crime groups in their criminal activities.

Police have identified seven purported "made members" of **Italian organized crime groups** living in British Columbia. Such groups are suspected of involvement in money laundering, stock market manipulation, illegal gambling, loan sharking, drug trafficking and extortion.

There are several other ethnically-based crime groups in British Columbia, including the 40-member Persian Pride Gang in North Vancouver (robberies, extortion, drug trafficking, drive-by shootings, breaking and entering and counterfeit currency frauds), the 50-member Filipino K.B.C. club (robberies, breaking and entering and auto theft) and several Hispanic groups.

C.L.E.U. also monitors the activities of criminal white supremacist groups, criminal anarchist groups, ethnically-based terrorist support groups, criminal animal rights activists, criminal environmental activists and potentially violent special interest groups.

2. Activities

The Committee received little detailed information about the magnitude of the organized crime problem in British Columbia.

The consensus is that drugs is the largest single organized crime activity, with the Big Circle Boys controlling heroin importation and the Hell's Angels controlling the production and export of high-grade hydroponically-grown marihuana and the importation of cocaine.

Asian organized criminals appear to be very active in economic crimes such as cellular phone and credit card fraud, and currency counterfeiting, but the magnitude of those activities has not been quantified.

Some investigators believe that the Hell's Angels control the 5,000 to 10,000 illegal video lottery terminals located around the province. If the revenue generated from legal VLTs in jurisdictions such as Alberta apply here, those machines generate huge revenues for organized crime.

According to one estimate, illegal off-track betting parlours siphon off about 65% of the Pacific Racing Association's simulcast revenue and about 50% of its customer base.

Between 15 and 20 British Columbia companies offer Internet gambling, which deprives government of gaming revenue and exposes gamblers to unregulated business practices. Approximately 100 British Columbia companies resell lottery tickets offshore to American and European customers, often employing fraudulent, deceptive and high-pressure sales tactics.

Two of the ten most active commercial Internet pornography sites are located in Vancouver. Investigators are increasingly concerned that paedophiles use the Internet to facilitate abductions of children and youths.

D. THE NEED FOR A CLEARER PICTURE OF ORGANIZED CRIME

As indicated at the beginning of this Chapter, the material provided to the Committee on the magnitude of organized crime activity, especially in British Columbia, is regrettably general in nature. Either C.L.E.U. and the other law enforcement agencies do not possess detailed information or they were not prepared to share it with the Committee.

It is an essential first step in the fight against organized crime that as accurate a quantification of the organized crime problem as possible be prepared and updated regularly. The three *Findings Reports* prepared by C.L.E.U. in the 1970s would serve as a good model to emulate. Without such baseline data it is difficult to make informed decisions about targets and investigative methods, or to assess the effectiveness of our anti-organized crime strategy.

Until such fundamental information about organized crime is available, it would be difficult for the Committee to advance a credible argument that more public funds should be committed to the fight against organized crime. Bluntly put, we simply do not know how big the problem is or what it will cost to combat organized crime.

In the Committee's view the restructuring of British Columbia's response to organized crime recommended in this Report will significantly improve the ability to target groups and individuals and to initiate enforcement action that should, in turn, lead to arrests and prosecutions. The new model needs time to be developed and implemented. Current levels of funding should be maintained during this transitional period. Overall human resource contributions should be maintained as well, although the relative contributions from specific law enforcement partners should be adjusted to ensure equity. Increased funding should be contingent on proven effectiveness and success.

Recommendation 1

A detailed quantification of the magnitude of the organized crime problem in British Columbia should be prepared as a first priority, and should be updated at least annually.

Recommendation 2

Current levels of public funding for British Columbia's anti-organized crime initiatives should be maintained while the new organizational model recommended in this Report is developed and implemented. Overall human resource contributions should be maintained as well, although the relative contributions from specific law enforcement partners should be adjusted to ensure equity.

Recommendation 3

Increased funding for British Columbia's response to organized crime should be contingent on the proven effectiveness of the new organizational model, and on proven intelligence, accurate targeting, priority-setting and operational successes.

CHAPTER 3

CURRENT APPROACHES TO COMBATTING ORGANIZED CRIME

A. NATIONAL INITIATIVES

1. Solicitor General

At the federal level, the Solicitor General of Canada is responsible for Canada's response to organized crime. In 1966 the Solicitor General hosted a federal-provincial conference on organized crime, out of which emerged the National Police Services, an integrated, national approach to combatting crime, including organized crime.

The Solicitor General liaises with counterparts in the United States and Europe and has worked through forums such as the United Nations, Interpol, G-8 Ministers and the Organization of American States to develop a coordinated approach to combatting organized crime.

In April 1998 the Solicitor General hosted a National Workshop on Organized Crime, out of which emerged a proposed National Action Plan on Organized Crime. In a recent statement to the House of Commons, the Solicitor General restated the federal government's commitment to provide national leadership in the fight against organized crime.

2. National Police Services

National Police Services was formalized in 1966 to provide quality information to support coordinated enforcement against organized crime across Canada. It includes five components:

- **Canadian Police Information Centre (CPIC)**, a national on-line date base containing criminal records, wanted persons and stolen property,
- **Forensic laboratories**, providing DNA, toxicology, serology, chemistry, documents, firearms, fibre and alcohol analysis,
- **Identification services**, that maintains a national repository of criminal records and fingerprints,
- **Canadian Police College**, based in Ottawa, that provides basic and advanced professional development training programs and research services for the R.C.M.P., provincial, regional and local police departments,
- **Criminal Intelligence Service Canada (C.I.S.C.)**, a national law enforcement organization that provides facilities to ensure the exchange of criminal

intelligence among law enforcement agencies in order to effectively combat the spread of organized crime and other significant criminal activity in Canada. C.I.S.C. has developed an Automated Criminal Intelligence Information System (A.C.I.I.S.), a national, on-line Windows-based data bank and link analysis system designed to maintain information on all major organized crime groups in Canada,
- **Technical Operations**, a technical-oriented Directorate that provides services to all Canadian law enforcement agencies and federal government departments through the following components: information technology security; explosive disposal technology (Canadian Bomb Data Centre); electronic security; security engineering; security systems and departmental security.

3. Royal Canadian Mounted Police

As Canada's national police force, the R.C.M.P. has been assigned responsibility for many federal anti-organized crime initiatives. It is, for example, responsible for the National Police Services.

The R.C.M.P. has also developed various operational and intelligence units that focus on organized crime activities. These include:
- **drug enforcement units**, such as "E" Division's Vancouver Drug Section (VDS), which gives highest priority to international and inter-provincial investigations involving the importation and large scale trafficking of drugs,
- **integrated proceeds of crime (IPOC) units**, which trace funds flowing from organized crime activities within the federal mandate (especially drugs), and seek the forfeiture of funds and assets that are the proceeds of crime,
- **organized criminal intelligence analysis**, such as "E" Division's criminal analysis section (EDCAS),
- **the national security investigation section (NSIS)**, mandated under the *Security Offences Act*, the *Official Secrets Act* and other federal legislation, to investigate all criminal offences involving threats to the security of Canada, and
- **economic crime**, targetting traditional white-collar crimes such as fraud, theft, bankruptcy offences, securities fraud, corruption of public officials, currency and credit card counterfeiting, telecommunications fraud and computer hacking.

4. Other federal agencies

Citizenship and Immigration Canada has identified organized crime as one of its three main priorities, the other two being war criminals and national security risks. It has its own in-house intelligence gathering and analysis capacity, relying in large part on information supplied by its embassies and consulates in foreign countries. A recent amendment to the *Immigration Act* permits an immigration officer to deny admission to Canada of a person who is a member of an organization engaged in a pattern of criminal activity.

Revenue Canada's Customs Border Services branch is responsible for the prevention of smuggling of illicit commodities such as drugs and pornographic material into and out of Canada. Its enforcement activities are centred on international ports, airports and land borders.

5. National Action Plan on Organized Crime

In July 1998 the Solicitor General published a *National Action Plan on Organized Crime*, representing:

> The best thinking of Canada's crime fighters on how to combat organized crime into the next millennium. The Plan proposes an overall direction and reaffirms the Government of Canada's commitment to provide national leadership and to work closely with our international partners. It encourages closer cooperation among governments, police, prosecutors and other law enforcement agencies, so that Canada's crime fighters are as organized as their adversaries.

The Action Plan focuses on:
- addressing high-tech crime,
- confronting economic crime,
- combatting drugs,
- combatting money laundering,
- investing in the National Police Services, and
- updating legislation and regulations.

B. BRITISH COLUMBIA INITIATIVES

1. Coordinated Law Enforcement Unit (C.L.E.U.)

a. Mandate

Although C.L.E.U. has no legislative or corporate status, its *Directory of Services* states that its mandate is to develop and coordinate efforts to identify, prevent and suppress organized and major criminal activities in British Columbia.

An organizational chart of C.L.E.U. and C.I.S.B.C. prepared by the Committee on the basis of information provided by C.L.E.U. is included as Appendix 4.

b. Evolution

In the 1960s the increase in organized crime activities forced separate law enforcement agencies to form *ad hoc* joint forces operations to target organized crime groups that operated across policing jurisdictions. A key component in this strategy was the development of a criminal intelligence gathering capability. In 1968 the Vancouver Police Department created its own Criminal Intelligence Unit. In 1971 the Criminal Intelligence Service British Columbia (C.I.S.B.C.) was established, as the provincial bureau of Criminal Intelligence Service Canada (C.I.S.C.), with a mandate to provide facilities for the collection, analysis and dissemination of significant criminal intelligence to aid in combatting the spread of organized crime in Canada.

In 1974 the Provincial Government established C.L.E.U. as a permanent agency, based in Vancouver, to combat organized crime. Municipal police departments, R.C.M.P. municipal detachments and the R.C.M.P.'s "E" Division agreed to assign officers to C.L.E.U. for fixed term appointments in conjunction with the establishment of the provincial Sheriff's Service and the consequential release of police officers from Court duties. The Province agreed to fund the policy, analysis and prosecutorial components. C.L.E.U.'s initial goals and objectives were sweeping:

- gather information about organized crime, undertake strategic and tactical analysis and disseminate the resulting intelligence,
- undertake enforcement activities through joint force operation groups,
- provide legal specialists to investigators and prosecutorial services,
- promote cooperation and information-sharing among local, national and international law enforcement agencies, and
- undertake research into organized crime and provide policy advice to government.

C.L.E.U. was initially divided into an investigative division, a legal division and a policy, planning and analysis division, although the legal division was disbanded shortly thereafter, because of concerns about prosecutorial independence. C.L.E.U.'s activities were overseen by a Policy Board appointed by the Attorney General. In 1975 a Vancouver Island C.L.E.U. unit was established in Victoria.

At about this time the Vancouver Police Department's and the R.C.M.P.'s criminal intelligence units merged, to form the Vancouver Integrated Intelligence Unit (V.I.I.U.). Its function was to conduct intelligence investigations and forward enforcement projects to C.L.E.U.

In 1992 C.I.S.B.C., which until then had been housed at the R.C.M.P.'s "E" Division headquarters, moved into C.L.E.U.'s Vancouver facility, in order to achieve greater coordination of organized criminal intelligence. It remained operationally independent from C.L.E.U. In 1994 V.I.I.U. was brought into C.L.E.U. and became

C.L.E.U.'s Intelligence Unit. In 1996 its officers were rolled into C.L.E.U.'s operational units.

c. C.L.E.U. Vancouver Operations

C.L.E.U.'s enforcement activities are conducted out of facilities in Vancouver and Victoria. Their mission statement is to suppress the power and influence of organized and major crime in British Columbia and bring all those involved in organized criminal activity before the courts.

C.L.E.U. Vancouver Operations is led by an Officer in Charge, who is a Superintendent seconded for a fixed term from the Vancouver Police Department or the R.C.M.P. on an alternating basis. Operations has eight operational units:

- **Outlaw Motorcycle Gang (OMG) unit** – this -officer unit performs intelligence and enforcement functions, targeting primarily the six Hell's Angels clubs and associated clubs,
- **Asian Organized Crime (AOC) unit** – this -officer unit performs intelligence and enforcement functions, targeting groups such as the traditional Triads, the Big Circle Boys, the Lotus Gang and ethnic Vietnamese gangs,
- **Indo-Canadian Organized Crime (ICOC) unit** – this -officer unit was formed in 1997 in response to several violent shootings, and performs intelligence and enforcement functions, targeting five major crime groups,
- **Eastern European Organized Crime (EEOC) unit** – this -officer unit was formed in 1995 to determine the extent of the threat posed by organized criminals from eastern European countries, particularly Russia. It performs intelligence and enforcement functions. It also assists Citizenship and Immigration Canada by screening visa requests from eastern European countries,
- **Ports Intelligence unit** – this 4-officer intelligence unit was established in 1997 in response to the disbanding of the Ports Canada Police. The Vancouver Port Corporation agreed to contribute $350,000 per year (out of an annual budget of $400,000) for up to five years, to assess the effectiveness of the new unit,
- **Airport Special Squad** – this -officer unit performs an intelligence function at the Vancouver International Airport, monitoring the international travel of known organized criminals,
- **Proceeds of Crime (POC) unit** - this 4-officer unit was established in 1997 to concentrate on the tracing of proceeds of enterprise crimes (which exclude drugs) and on the recovery of funds and assets through forfeiture proceedings,
- **Portfolio unit** – this unit consists exclusively of Vancouver Police Department members who have been assigned to the C.L.E.U. facility. The -officer **Terrorist/Extremist unit** monitors these groups and provides threat assessments. The **Source Coordinator** monitors informant debriefing reports. The work product of both these portfolios benefits almost exclusively the Vancouver Police Department. The -officer **Pornography unit** performs

intelligence and enforcement functions, and is also instrumental in education and law reform initiatives. The -officer **Internet Crime unit** performs an intelligence function, assisting the pornography portfolio and other C.L.E.U. units. The -officer **Gaming unit** performs intelligence and enforcement functions, focusing on unlicensed casinos and bingos, illegal off-track betting and video lottery terminals.

Six analysts are seconded from the C.L.E.U. Policy Analysis Division to Operations for six-month terms. One analyst works within each of the Outlaw Motorcycle Gang, Asian Organized Crime, Indo-Canadian Organized Crime, Eastern European Organized Crime, Ports Intelligence and Proceeds of Crime units. They provide tactical analysis services such as preparing background profiles on targets, developing link charts, identifying new targets or proposing strategies for investigation, and outlining strategic overviews on the local, provincial and national levels.

A 2-officer **Joint Management Team (JMT)** consists of the officer in charge of criminal operations for the R.C.M.P. "E" Division and the Deputy Chief Constable of the Vancouver Police Department in charge of the investigation division. It meets as requested by the C.L.E.U. Superintendent to receive, evaluate, approve and prioritize project proposals for enforcement operations.

d. C.L.E.U. Vancouver Island Operations

Vancouver Island Operations is led by an Officer in Charge, who is an Inspector seconded for a fixed term from a Victoria area municipal police department or the R.C.M.P. on an alternating basis. It has an Operational Sergeant, two Corporals and 8 investigating officers. It performs intelligence and enforcement functions. In recent years its enforcement functions have been primarily in the nature of assistance to local police forces.

A 5-officer **Joint Management Team (JMT)**, consisting of the officer in charge of the R.C.M.P.'s Victoria Sub-Division, and the Chief Constables of the Victoria, Saanich, Esquimalt and Oak Bay Police Departments, meets monthly to receive, evaluate, approve and prioritize project proposals for enforcement operations.

e. Policy Analysis Division

According to C.L.E.U.'s *Directory of Services*, the Division's mandate is to strengthen prevention, regulatory and criminal law enforcement action through the acquisition, dissemination and use of knowledge about organized and major crime.

The Division is led by a Director, who reports to the Deputy Attorney General. The Director also has an indirect reporting relationship to the C.L.E.U. Policy Board, serving as its Secretary.

The Division operates through four sections:

- the **Tactical and Strategic Analysis Section**, which:
    - provides intelligence analysis in support of C.L.E.U. enforcement activities through:
        - the preparation of profiles of individuals and businesses by its 4-person Open Sources Section, and
        - the secondment of six analysts to C.L.E.U. operational units, to provide tactical analysis services;
    - undertakes research projects (through three staff analysts) on the magnitude of organized crime and emerging trends,
    - provides policy advice to the C.L.E.U. Policy Board and the Ministry of the Attorney General, and
    - liaises with domestic and foreign law enforcement and regulatory agencies through membership in various organizations and participation in national and international forums;
- the **Computer Services Section**, which has developed and maintains a variety of software programs delivered through a local area network to all C.L.E.U. users, and which provides forensic computer analysis to C.L.E.U. Operations;
- the **Resources Section**, which is responsible for financial administration for C.L.E.U.'s Policy Analysis and Operational Divisions, and for human resource management for provincially-employed civilians;
- the **Operational Support Section**, which provides specialized equipment and services to C.L.E.U. units and, when available, to other law enforcement agencies. This includes **communications** (radio equipment, video installations and panic alarm systems), **equipment** (vehicles, surveillance equipment, and still and video cameras) and **telephone intercept monitoring**.

f. Policy Board

The Policy Board is C.L.E.U's oversight body. Its membership includes:

- the Assistant Deputy Attorney General, Criminal Justice Branch (representing the Deputy Attorney General), as Chair,
- the Director of C.L.E.U.'s Policy Analysis Division, as Secretary,
- the Senior General Counsel, Department of Justice,
- the Commanding Officer of the R.C.M.P., "E" Division,
- the officer in charge of Criminal Operations for the R.C.M.P., "E" Division,
- the Chief Constable, Saanich or Victoria Police Department,
- the Chief Constable, Vancouver Police Department,
- the Deputy Chief Constable, Vancouver Police Department, and
- the Officer in Charge, C.L.E.U.-Vancouver Operations, as a non-voting advisor.

The Policy Board's formal mandate, according to C.L.E.U.'s *Directory of Services*, is to establish goals and priorities for the organization, including the selection of general target groups and assigning priority to proposed research, intelligence, enforcement, communications, public education and/or training initiatives.

The Board normally meets two times a year. It receives reports from the two Joint Management Teams and from the Director of the Policy Analysis Division. It reviews and assesses projects completed by the Policy Analysis Division, and makes recommendations to the Attorney General on policy and legislative matters.

g. Funding

C.L.E.U. is jointly funded by all three levels of government:

- the R.C.M.P. pays for the salaries, benefits and some operating expenses applicable to its federal officers assigned to C.L.E.U., contributes 30% of costs for R.C.M.P. officers under the provincial contract, and contributes 10% of costs of R.C.M.P. officers from municipal detachments,
- the Province pays for the salaries and benefits of the two Officers in Charge and the Operations Support Staff Sergeant, 70% of the cost of assigned R.C.M.P. officers under the provincial contract, all employment costs for provincial civilian employees and most building occupancy and equipment costs,
- municipalities pay for the salaries, benefits and some operating expenses applicable to municipal police department officers and 90% of the costs of R.C.M.P. municipal detachment officers assigned to C.L.E.U.

For the fiscal year 1997-1998 the total cost to operate C.L.E.U., including assigned officers, was just under $14 million, divided among the three levels of government as follows:

Federal	$2,452,336	17.5%
Provincial	$7,678,421	55.0%
Municipal	$3,842,789	27.5%
	$13,984,546	100.0%

Apart from the general understanding that law enforcement agencies will pay for their own assigned officers, there is no comprehensive funding agreement among the contributing partners. Based on material provided to the Committee by C.L.E.U., it appears that there was no written agreement in 1974 as to how the overall costs of C.L.E.U. would be allocated. Many cost-sharing matters have never been reduced to writing, and most cost-sharing allocations are based on verbal "understandings" going back to 1974. Numerous operating costs have never been the subject of even a verbal understanding, and are borne exclusively by British

Columbia. Appendix 5 summarizes each level of government's percentage contribution to C.L.E.U.'s operating costs. This table illustrates how complex C.L.E.U.'s funding is. This complexity, as well as fiscal restraint measures at all levels of government, help explain the friction that has developed over how ongoing operational costs should be allocated.

Several recent funding arrangements are significant departures from the general cost-sharing principle that each participating force pays for its own contributed members, and suggests an *ad hoc* reaction to this tension:

- **Ports Intelligence Unit** – it consists of 1 Vancouver, 1 Delta and 1 R.C.M.P. officer, 1 analyst and 1 Special Constable (vacant). It was formed after the federal government disbanded Ports Canada Police. The total annual cost of the Unit is $400,000, of which $350,000 is contributed by the Vancouver Port Corporation and the remaining $50,000 by the Police Services Division of the Ministry of Attorney General.
- **Proceeds of Crime Unit** – it consists of 2 R.C.M.P. and 1 Vancouver officer, 1 Special Constable, 1 analyst and 1 clerk. The total annual cost is $572,000. The Ministry of Attorney General's Police Services Division pays for the 2 R.C.M.P. positions, and C.L.E.U. pays for everything else out of provincial revenues.
- **Bilateral memoranda of understanding** – within the last year C.L.E.U. has entered into agreements with the Vancouver Police Department and the R.C.M.P., under which the latter assume 100% of the cost of a specified number of leased cars, cell phones and pagers.

h. Staffing

C.L.E.U. is entirely dependent on the voluntary contribution of police officers from municipal police departments, R.C.M.P. municipal detachments, R.C.M.P. officers working under the provincial contract and R.C.M.P. federal officers. Appendix 6 shows the sources of C.L.E.U. personnel. Only two of the six municipal police departments in Greater Vancouver contribute officers, and only two of the five in Greater Victoria do so. Only two R.C.M.P. municipal detachments in Greater Vancouver, and none in Greater Victoria, contribute officers.

In recent years C.L.E.U. has had an increasingly difficult time attracting personnel contributions, and the Officers in Charge spend a significant majority of their time maintaining staffing levels. Their frustration was captured in a former Superintendent's memorandum to the Policy Board in 1997:

> The persuasive powers of the Superintendent's Office has been exhausted. I am now asking Policy Board to make a collective and final decision relative to the cooperative, multi-jurisdictional staff of C.L.E.U.

2. Criminal Intelligence Service British Columbia (C.I.S.B.C.)

In 1966 law enforcement agencies in Ontario identified the need for an organization to act as a central clearinghouse for the exchange of criminal intelligence related to organized crime activities. To meet that need they established Criminal Intelligence Service Ontario (C.I.S.O.). Four years later Criminal Intelligence Service Canada (C.I.S.C.) was created and, since then, autonomous provincial bureaux of C.I.S.C. have been established in every province except Prince Edward Island, which has teamed up with Nova Scotia. C.I.S.C. and its provincial bureaux are part of the National Police Services administered by the R.C.M.P. under the authority of an Executive Committee comprised of senior Canadian police officers.

C.I.S.B.C. was established in 1971 for the purpose of providing facilities for the collection, analysis and dissemination of significant criminal intelligence to aid in combatting the spread of organized crime in Canada. C.I.S.B.C. has always relied on police officers and civilians contributed from participating law enforcement agencies. It is governed by an Executive Committee consisting of:

- the Officer in Charge of criminal operations for the R.C.M.P., "E" Division,
- the Chief Constables of police departments with full time criminal intelligence units, and
- four non-voting members: the Officer in Charge of the Federal Protective Intelligence Branch of the R.C.M.P., "E" Division; the Officer in Charge of C.L.E.U. Operations; the chair of C.I.S.B.C.'s Advisory Committee and C.I.S.B.C.'s bureau manager.

There is also a Provincial Advisory Committee of about 15 members, established to assist the Executive Committee in the overall management of the provincial bureau.

C.I.S.C. has developed the second generation of the Automated Criminal Intelligence Information System (known as A.C.I.I.S. II) as a national, on-line, Windows-based data bank and link analysis system to maintain information on all major organized crime groups in Canada. C.I.S.B.C. is responsible for entering B.C.-based organized criminal intelligence into this system. It also has access to a variety of other criminal intelligence data bases, including the Canadian Police Information Centre (C.P.I.C.), the Police Information Retrieval System (P.I.R.S.), the R.C.M.P.'s National Criminal Data Base (N.C.D.B.) and the Vancouver Police Department's Records Management System (R.M.S.).

In 1992 C.I.S.B.C. moved from its location at the R.C.M.P.'s "E" Division headquarters to C.L.E.U.'s Vancouver facility, to promote greater coordination of criminal intelligence collection and analysis. Some time later it was decided that C.I.S.B.C. should enter its criminal intelligence into C.L.E.U.'s Special Investigative Unit Support System (S.I.U.S.S.) rather than the original A.C.I.I.S. The S.I.U.S.S. system is a highly-regarded stand-alone, DOS-based criminal intelligence and link analysis data system developed by Criminal Investigative Technology Inc. of New Hampshire. One serious consequence of that decision was that organized criminal intelligence originating from British Columbia was not available through the A.C.I.I.S. network across Canada.

The C.I.S.B.C. bureau manager is an R.C.M.P. Staff Sergeant, who oversees a staff of twelve police officers and analysts from contributing law enforcement agencies, and civilian support personnel. The bureau maintains important professional links with law enforcement agencies across Canada and internationally and is a member of several important international criminal intelligence networks. The bureau manager is responsible within C.L.E.U. for its operational records management system.

Although C.I.S.B.C. is officially independent of C.L.E.U., the Officer in Charge of C.L.E.U -Vancouver Operations completes the bureau manager's annual performance assessment.

3. Provincial Police Force

In British Columbia the R.C.M.P. acts as the provincial police force. It does not in that capacity maintain a dedicated organized crime unit. However, several other specialized units, such as the economic crime section and the historical homicide unit, frequently investigate cases which involve organized crime individuals or groups.

4. Other provincial agencies

The Gaming Audit and Investigation Office of the Attorney General's Ministry provides assistance and third party oversight of the B.C. Gaming Commission's licensing and inspection activities by:

- conducting background checks on gaming management companies and suppliers,
- conducting background investigations, including criminal record checks, on applicants for and holders of licences, and on their employees,
- conducting audits or investigations of gaming events, and
- conducting use of proceeds audits.

The Office works closely with C.L.E.U.'s gaming portfolio officer. Its background checks and investigations include an examination of whether the individual or corporate entity has any connection to organized crime.

Other examples of provincial agencies working with C.L.E.U. on specific matters are the offices of the Chief Provincial Firearms Officer and the B.C. Film Classification Director.

C. MUNICIPAL INITIATIVES

1. Municipal police departments

Although few departments maintain full time criminal intelligence units, officers do enter case investigation information into various computerized data bases, such as the Vancouver Police Department's Records Management System (R.M.S.) and the Victoria Police Department's S.E.A.R.C.H. system. C.L.E.U. and C.I.S.B.C. have access to these systems.

Some police department enforcement units, such as the Vancouver Police Department's Outlaw Motorcycle Gang unit and Street Drugs unit, target groups that are involved in organized crime activities.

2. R.C.M.P. detachments

The R.C.M.P.'s municipal and provincial detachments enter case investigation information into the Police Information Retrieval System (P.I.R.S.), which is a national on-line occurrence reporting and file management data base system. C.L.E.U. and C.I.S.B.C. have access to this system.

D. OTHER PROVINCES

Most other provinces rely on their provincial bureau of C.I.S.C. to act as the central organized criminal intelligence system.

The Committee reviewed material provided by, and talked with officials of, Criminal Intelligence Service Ontario (C.I.S.O.), which provides province-wide criminal intelligence gathering and analysis, and approves and funds (through the provincial Ministry of Solicitor General) *ad hoc* Joint Force Operations.

The Committee met with officials of Justice Alberta, who have just completed a comprehensive review of their anti-organized crime initiatives. Alberta is actively considering an approach similar to Ontario, with intelligence and *ad hoc* JFO components.

E. CRIMINAL INTELLIGENCE DATA BASE SYSTEMS

Canadian law enforcement agencies have developed a wide variety of computerized data base systems for the storage, analysis and sharing of criminal intelligence.

At the most basic level, agencies rely on **records or file management systems**, which record information about specific occurrences. This may include, for example, details respecting a break and enter investigation or a routine roadside check. It may contain names of individuals, property addresses, vehicle descriptions and registration information, the description of stolen property and the names of the investigating officers.

At the national level there are two widely-used records or file management systems, both developed by the R.C.M.P.:

- **the Police Information Retrieval System (P.I.R.S.)**, a national on-line data base used by all R.C.M.P. offices and many other contracted agencies, and
- **the Canadian Police Information Centre (C.P.I.C.)**, a national on-line data base containing criminal records, wanted persons and stolen property.

Independent police forces often develop their own records management systems. For example, the Vancouver Police Department uses the **Records Management System (R.M.S.)**, and the Victoria Police Department uses **S.E.A.R.C.H.** Other departments, such as Saanich, Delta, Port Moody and New Westminster use the R.C.M.P.'s P.I.R.S. system. C.L.E.U's Source Coordinator uses a stand-alone data base called **FOXPRO** to store the Vancouver Police Department's informant debriefing reports, and several Greater Vancouver police departments have developed their own off-the-shelf **D.I.S.C.** data base for prostitution investigation information.

There are obvious benefits to a local police force using a national system. The local force would have immediate access to a Canada-wide data base, and agencies from across the country would have immediate access to criminal intelligence from that local force. On the other hand, some forces have preferred to develop their own customized systems for specific needs. Although they may also maintain a terminal for a national system (*e.g.* P.I.R.S.) for their own use, police agencies from across Canada would have no access to the criminal intelligence in these customized systems.

The next higher level of sophistication is **case management systems**. These frequently have the records management capacity described above, but also contain more advanced programming to assist officers in managing more complex criminal investigations. They will, for example, produce summary reports of different categories of information, and will prepare "to do" lists for officers managing investigations.

The highest level of data base systems are **intelligence analysis systems.** These typically offer some records management and case management features, but can also perform complex analytical functions. For example, they can inter-correlate surveillance reports, source debriefings and telephone interception data. They can analyze telephone usage patterns and identify linkages between groups or individuals, or a series of activities. These systems are particularly important investigative tools in complex organized crime cases.

There are several systems used in Canada which combine some case management and intelligence analysis functions:

- the **Automated Criminal Intelligence Information System (A.C.I.I.S. II)**, a national, on-line, Windows-based data bank and link analysis system administered by C.I.S.C. through the National Police Services component of the R.C.M.P. C.I.S.C. and its nine autonomous provincial bureaux use A.C.I.I.S. II as their primary intelligence tool to meet their mandate of gathering, collating, analyzing and disseminating information on all major organized crime groups in Canada,
- the **National Criminal Data Base (N.C.D.B.)**, a national, security-encrypted, on-line, R.C.M.P. internal criminal intelligence data base system authorized to store and interchange national security intelligence across Canada. It is capable of storing complete textual documents and perform single and string or phrase searches. Only the R.C.M.P. enters data into N.C.D.B., and in British Columbia only the R.C.M.P. and C.I.S.B.C. may search its data base,
- the **Special Investigative Unit Support System (S.I.U.S.S.)**, a stand-alone DOS-based criminal intelligence case management and link analysis data system, customized for C.L.E.U. by the American manufacturer. It is highly-regarded, and is generally considered to be the best intelligence analysis system currently available. An improved Windows-based ORACLE/S.I.U.S.S. version will be available soon, which will be more user friendly and will have full text search capabilities. Criminal intelligence originating within C.L.E.U. is entered into S.I.U.S.S., but no other law enforcement agencies in Canada except C.I.S.B.C. have access to its data base,
- the **Integrated Customs Enforcement System (I.C.E.S.)**, a stand-alone system developed by Canada Customs,
- **R.O.C.O.R.**, a stand-alone data base system developed by an officer within the R.C.M.P.'s "E" Division on Microsoft Excel software, which is used by C.L.E.U.'s Outlaw Motorcycle Gang unit. It has very little analysis capability,
- **Q & A**, a stand-alone commercial data base package programmed by police as a case management system.

Most of the data base systems described above are **fixed field data bases.** Information is analyzed before entry, and specific types of data (such as names, locations, vehicle descriptions and phone numbers) are entered into pre-defined fixed fields. Although this requires special expertise and is labour-intensive at the front end, it permits sophisticated analysis of the information, disclosing patterns and linkages. Other data bases, such as N.C.D.B., are **full textual storage data bases**. Complete documents are scanned into the system, and analysts then search the data base using key words or phrases to elicit common elements and linkages. These systems are user-friendly at the front end, but require expertise and are very labour-intensive at the back end, and do not produce as sophisticated analyses as do fixed field systems.

In the early 1990s A.C.I.I.S. I was the principal organized criminal intelligence data base system used across Canada. Although it provided Canada-wide access, it included an unfriendly DOS-based screen input function and a limited intelligence analysis capability. The Canadian police community, through C.I.S.C., decided to redevelop and modernize A.C.I.I.S.

In British Columbia, C.L.E.U. decided that it could not wait for the development of A.C.I.I.S. II, and in 1992 purchased S.I.U.S.S. from an American manufacturer, having it customized for C.L.E.U's specific needs. While S.I.U.S.S.'s intelligence analysis abilities are clearly superior to either A.C.I.I.S. I or II, which has made it a valuable investigative tool for C.L.E.U. units, it is a stand-alone system to which other law enforcement agencies do not have automatic access.

This problem was compounded when C.I.S.B.C. decided to enter its intelligence data into S.I.U.S.S. rather than A.C.I.I.S. This resulted in most organized criminal intelligence originating in British Columbia being entered into S.I.U.S.S., which meant that other C.I.S.C. bureaux and other Canadian law enforcement agencies had no automatic access. This aggravated a perception within the Canadian police community that British Columbia ran an independent and isolated criminal intelligence system in which information went in but little intelligence came out for the benefit of other agencies.

This problem has been partially resolved with the recent introduction of the improved Windows-based A.C.I.I.S. II version. C.I.S.B.C. is now running A.C.I.I.S. II and S.I.U.S.S. data bases in parallel (which requires double entry), until it has confidence in the functionality of A.C.I.I.S. II. C.L.E.U. hopes that the new ORACLE/S.I.U.S.S. version will eventually permit the downloading of its data directly into A.C.I.I.S. II, although it is not clear when that will be possible.

The fact that C.L.E.U.'s criminal intelligence data base is not automatically accessible by other Canadian law enforcement agencies is not the only problem. Even within C.L.E.U, the Outlaw Motorcycle Gang unit refuses to enter its data into S.I.U.S.S. Rather, it relies on R.O.C.O.R., another stand-alone data base system developed by an R.C.M.P. officer using Microsoft Excel software. Neither C.L.E.U. nor any other Canadian law enforcement agency has automatic access to this data base.

Further, the R.C.M.P. "E" Division's 120-officer Vancouver Drug Section enters its criminal intelligence data into N.C.D.B., the R.C.M.P.'s internal criminal intelligence data base

The result is a disjointed system. To take outlaw motorcycle gang criminal intelligence as an example, British Columbia's police community uses at least four data base systems:

- C.L.E.U.'s OMG unit uses R.O.C.O.R., which no one else has access to,
- the R.C.M.P.'s Vancouver Drug Section uses N.C.D.B., an outdated full textual storage system that only the R.C.M.P. and C.I.S.B.C. have access to,
- other C.L.E.U. units that get involved in outlaw motorcycle gang matters (such as the Proceeds of Crime and Ports Intelligence units and the Internet portfolio) use S.I.U.S.S., which other police forces cannot automatically access, and
- several Greater Vancouver police departments use D.I.S.C., another stand-alone system for their prostitution investigations, an activity alleged to be controlled by the Hell's Angels.

The Committee noted with surprise the inconsistency of the R.C.M.P. relying on a relatively outdated system like N.C.D.B. for organized criminal intelligence purposes, when it is concurrently (through C.I.S.C.) encouraging the development of a more sophisticated A.C.I.I.S. II system that will have far superior analytical capabilities and will be accessible by law enforcement agencies across Canada. N.C.D.B. may have a continuing role as an internal R.C.M.P. system in support of the national security enforcement program under the *Security Offences Act*, but in the Committee's view the Canadian law enforcement community is not well-served by the R.C.M.P. simultaneously promoting the use of N.C.D.B. and A.C.I.I.S. II for organized criminal intelligence.

CHAPTER 4

SUMMARY OF THE COMMITTEE'S CONSULTATION PROCESS

A. Magnitude of the organized crime problem

Many officers consider **outlaw motorcycle gangs** the most serious organized crime threat in B.C. The Hell's Angels, with clubs in Nanaimo, the Lower Mainland and Kelowna, are reportedly in ultimate control of the hydroponic marihuana grow operations, much of which is transported to the U.S.A. on the I-5 corridor, where it is often exchanged pound-for-pound for cocaine. The Committee was told that the Hell's Angels control Lower Mainland strip clubs, street prostitution, call girls and massage parlours, and the 5,000 to 10,000 illegal video lottery terminals. Some claim that the Hell's Angels control the placement and movement of ship containers in the Port of Vancouver, and possibly also at Surrey Fraser Docks.

The Committee was told that **Asian organized criminals** are involved in heroin importation and distribution, contract murders, extortion of members of the Asian community, counterfeiting of currency, credit card fraud and cell phone cloning. Members of Hong Kong triads who have entered Canada have apparently reached an accommodation with domestic organized criminals of Asian extraction to divide up the organized crime "pie", rather than wage turf battles on the street. It is said that three distinguishing features of Asian organized criminals are that they:

- take advantage of international boundaries to frustrate police surveillance and enforcement,
- have diversified their criminal operations, and
- are exceptionally mobile, moving their people to other countries immediately after offences have been committed.

Police officers involved in investigating Asian organized crime consider it to be a significantly greater risk to B.C. than the threat posed by the Hell's Angels, having regard to the huge number of triad members around the world, the centuries-old cultural underpinnings to Asian organized crime, and the wide-ranging and highly-lucrative activities in which they engage.

Indo-Canadian organized criminals are said to be involved in drug trafficking, prostitution and possibly the smuggling of people across the British Columbia-Washington State border. Other groups of Indo-Canadians are involved in raising funds in B.C. to support terrorist activities in India.

The Committee was told that **Eastern European organized criminals** are an increasing threat. Senior officials from the former U.S.S.R. regime have brought large sums of money into Canada (allegedly the proceeds of criminal activity there), and have invested these funds in legitimate Canadian businesses. Eastern European criminals are involved in a wide range of street level criminal activities, but the police have had difficulty connecting the suspected senior organized criminals to the street level crime.

There is a consensus that organized crime groups are becoming increasingly linked to one another. They appear to have divided up the organized crime "pie" (on the basis of commodities as opposed to geographical area) in order to avoid costly street wars, and participate in some activities as joint venturers. It is acknowledged that they operate at a sophisticated level, retaining highly-competent legal, accounting and corporate services and employing new technologies. Some groups have impressive intelligence networks, having access to the same information as the police, according to some officers. Unlike average criminals, they do not fear the criminal justice system and often use intimidation of witnesses, police and prosecutors to frustrate investigations and prosecutions.

B. The role of the Royal Canadian Mounted Police

Although municipal police officers commented very little on the role of the RCMP in combatting organized crime, many R.C.M.P. officers felt that the Force should play a more important, if not the lead, role. Some saw it as logically fitting within the mandate of the R.C.M.P. as the **federal police force**, for two reasons. First, the R.C.M.P. should maintain responsibility for a national response to organized crime. Second, several principal organized crime activities (narcotics, commodity and people smuggling) are federal responsibilities and the R.C.M.P. already has specialized narcotics, surveillance, intercept, witness protection and proceeds of crime units.

Other R.C.M.P. officers thought that the R.C.M.P. in its capacity as the **provincial police force** should have the lead responsibility. Much of organized crime involves serious criminal offences and inter-jurisdictional activities, which put it beyond the capacity of any municipal police department or R.C.M.P. municipal detachment. Establishing an organized crime unit within the R.C.M.P. as the provincial police force, as has been done with the serious crimes, hate crimes and prostitution units, would address those concerns and should avoid jurisdictional friction over narcotics, customs and immigration investigations.

The Committee was told that anti-organized crime activity constitutes over three-quarters of what the R.C.M.P. does in B.C. in its capacity as the federal police force, and it would be naïve to think that C.L.E.U. is B.C.'s only tool to combat organized crime.

C. The Coordinated Law Enforcement Unit

1. Mandate

Although C.L.E.U.'s official mandate is "to develop and coordinate efforts to identify, prevent and suppress organized and major criminal activities in British Columbia", it also takes on inter-jurisdictional criminal activities. Quite a few police officers and other people who the Committee interviewed thought it was appropriate that C.L.E.U. acted in all three areas. Many smaller municipal police departments do not have the resources or expertise to take on major investigations, and the absence of regional police services in the G.V.R.D. and the C.R.D. make it difficult to investigate inter-jurisdictional crimes effectively.

However, many others felt that C.L.E.U.'s mandate should be limited to organized crime, for several reasons. First, C.L.E.U. has spread itself too thin, limiting its effectiveness

Third, other means are available to handle major and inter-jurisdictional crimes, which would leave C.L.E.U. free to devote all its limited resources to combatting organized crime. For example, operational commanders from all G.V.R.D. police forces and detachments meet monthly to discuss inter-jurisdictional criminal activity, and create *ad hoc* joint force operations when appropriate. Many officers spoke in favour of G.V.R.D. and C.R.D. jurisdictions forming regional police forces, or at least regionalizing key services such as homicide, forensic field services and intercept monitoring.

Even if C.L.E.U. focused exclusively on organized crime, the Committee was told that the C.L.E.U. organization:

- has failed to set priorities and allocate resources accordingly,
- is perceived as an extension of the Vancouver Police Department, and does not assist forces beyond the Lower Mainland and Greater Victoria,
- is hobbled by not being authorized to initiate narcotics investigations,

- is inadequately funded to provide the kinds of services that are essential in organized crime investigations and prosecutions, such as intercept, surveillance, informant payments, witness protection and legal advisors to investigators.

The Committee was told that when C.L.E.U. was first established, it developed intelligence and identified targets, and then established joint forces operations. It was suggested that, ideally, C.L.E.U. should revert to that intelligence role, using project-specific joint force operations when targets have been identified.

2. Funding

Many people told the Committee that C.L.E.U.'s lack of results was not because of inadequate funding but because of poor management and priority-setting. A significant majority, however, believe that neither the R.C.M.P. nor the Provincial Government is funding the attack on organized crime adequately. The R.C.M.P. has, for example, reduced its national informant budget by 40% over the past several years and its overtime budget to the point where an officer can bill only one hour of overtime for every twice-monthly pay period.

The Province's cancellation of the Independent Police Equalization Grant program has hit smaller departments hard. With reduced budgets, forces are understaffed and cannot afford to contribute any officers to C.L.E.U. Similarly, the Province's witness protection program fund was described as "woefully inadequate". One senior NCO with nearly a decade of experience in this area told the Committee it will be a shock to government to realize how expensive it is to combat organized crime. Another said that with present funding it is realistic for C.L.E.U. to mount only one project each year.

Many people were critical of the convoluted funding arrangements among the three levels of government, and the lack of a comprehensive written funding formula for C.L.E.U.

Many, but not all, of the people we interviewed objected to the fact that when a project is approved by either the Vancouver or Vancouver Island Joint Management Team, the Officer in Charge must request funding for the project from the Director of C.L.E.U.'s Policy Analysis Division. That Division's Director was commended for invariably coming up with the funding promptly, but they objected to the present process for three reasons. First, it is contrary to fundamental principles of police independence to be required to request funding from a civilian who is accountable to the Attorney General. Second, it is paradoxical to ask someone for funding without being able to disclose to him the nature or details of the project. Third, C.L.E.U.'s operational managers have no idea what global funding is available to them on an annual basis, which makes project-planning very difficult.

3. Staffing

Almost everyone told the Committee that the lack of a comprehensive staffing agreement among all the law enforcement partners was a fundamental flaw. At present a small minority of municipal police departments and detachments contribute members to C.L.E.U.

Other departments and detachments told the Committee they are reluctant to contribute officers if they, or their police boards or municipal councils, do not see any direct benefit back to their communities.

The Committee was told that C.L.E.U. police executives spend 80% of their time maintaining staffing, and that it is very difficult to do project-planning without knowing what staffing resources will be available five years ahead. Senior managers feel that the C.L.E.U. Policy Board has not exercised leadership in this area. Several municipal police chiefs and detachment commanders told the Committee that legislation imposing a mandatory duty on municipal police boards and councils to contribute officers to C.L.E.U. would take the pressure off them and place the responsibility where it should be. One chief constable thought that such legislation would not be popular with municipal politicians.

The Committee was told that C.L.E.U.'s location in central Vancouver is a disincentive for many potential officers who might otherwise accept an assignment. It is a long commute for most officers, there is very little staff parking, they are generally not allowed to take their assigned police vehicles home at night and the working environment is cramped and spartan.

Some told the Committee the problem still exists today. Several commanders conceded that they would never agree to contribute their most talented officers to another organization. C.L.E.U. has very little voice in which officers will be assigned, and there do not appear to be formal qualification criteria. The result is that some assigned officers are of questionable competence, and most do not have expertise in the investigative areas needed for organized crime cases. One officer described C.L.E.U. as an entry-level plainclothes operation.

The Committee was told that appropriate staffing has been a problem even at the highest levels. There are no qualification criteria for commanding officers and senior managers, no established screening and selection process and no requirement that the candidate have a demonstrated aptitude for, expertise in and commitment to combatting organized crime.

Officers who do come to C.L.E.U. are frustrated by the inconsistent operational policies between the R.C.M.P. and municipal forces (e.g. informant handling and contacting foreign police agencies) and uneven benefit packages (e.g. overtime and reimbursement for meals while on surveillance duty).

4. Trust

The Committee heard frequently that some municipal police forces and R.C.M.P. detachments do not share intelligence with C.L.E.U. or work cooperatively on projects because of a lack of trust. Several prosecutors said they have a good working relationship with all police departments based on trust, but the same level of trust and integrity does not exist with C.L.E.U. In some cases, C.L.E.U. has been less than candid with Crown prosecutors. The Committee was told that C.L.E.U.'s Outlaw Motorcycle Gang unit refuses to use C.L.E.U.'s intercept services, because they were compromised years ago. In at least one case last year the Vancouver Police Department's OMG unit went to the Canadian Security Intelligence Service for intercept services, rather than rely on C.L.E.U.

5. Training

The Committee was told that the effective investigation of organized crime requires special skills and training in areas such as intelligence gathering and analysis, undercover investigation, surveillance, wiretap and computer analysis. Many officers who are contributed to C.L.E.U., including police executives, do not bring any of this expertise with them. Indeed, some police forces contribute their personnel in the expectation that they will develop this expertise while at C.L.E.U. and take it back to their home force.

There are very few Canadian training programs on these topics, and several people urged the Committee to recommend that the Justice Institute of British Columbia be funded to develop specialized organized crime programs and to offer an orientation program for officers assigned to C.L.E.U.

Several officers worried that the situation will get worse before it gets better. It is estimated that over the next five years some police departments will turn over up to 40% of their workforce due to retirements. At present funding levels, this will tax the capacity of the Justice Institute to train new recruits, let alone develop a specialized organized crime curriculum.

6. Facilities

Many officers were critical of the present C.L.E.U. facilities on East 8th Avenue in Vancouver. Work stations are cramped, and officers have no privacy for matters such as long distance phone calls. There is very little staff parking in the building, and no pay lots in the vicinity. This was cited as a security concern; officers investigating organized criminals should have secure parking provided for them.

A large majority of officers told the Committee that C.L.E.U. should move to a more central and neutral municipality in the Lower Mainland close to major transportation services, perhaps New Westminster. Being sited in Vancouver exacerbates the perception that C.L.E.U. is an operational arm of the Vancouver Police Department.

7. Policy Analysis Division

We were told repeatedly that the presence of the Policy Analysis Division within C.L.E.U. heightens concerns that there will be leaks, and outside agencies will not share intelligence with C.L.E.U. for fear that it will be shared with the Ministry of the Attorney General. Others told the Committee that there has never been a breach of security within the Policy Analysis Division.

Several senior managers told the Committee that the Operations side at C.L.E.U. gets nothing of value from the Policy Analysis Division. However, many street level officers contradicted this, commending the Open Sources Section for producing high quality profiles about individual targets very promptly and the Division for providing helpful computer and support services.

Most Operational unit officers spoke highly of the Policy Analysis Division tactical analysts who are seconded to their units. The analysts have impressive analytical skills and provide an essential service to enforcement. However, they were strongly critical of the requirement that the analysts meet once every two weeks with their Policy Analysis Division manager, fearing that there may be a leakage of operational intelligence to the Executive Branch. The Committee was told that these tactical analysts could provide an invaluable service as part of their teams doing post-operational debriefings, to identify new targets and important intelligence. However, they will never be permitted to perform this role as long as they have a reporting responsibility back to the Policy Analysis Division.

Many officers acknowledged that C.L.E.U. has developed expertise in forensic computer analysis, forensic accounting, use of the Internet and intelligence database analysis, which is drawn on by C.L.E.U. units and municipal police departments. Some officers spoke highly of the policy reports produced by the Policy Analysis Division on emerging trends in organized crime. Others felt the reports were glossy, superficial and too general to be of any value to enforcement. The Committee was told that C.L.E.U.'s recent emphasis on marketing has resulted in policy papers designed for publication, rather than detailed intelligence documents.

Almost everyone agreed that B.C.'s response to organized crime must include a permanent, strong and integrated research, policy analysis, strategic analysis and tactical analysis component. Some were critical of the recent watering-down of the Policy Analysis Division's research capacity in which Ph.D. researchers have been replaced with policy analysts. As one person told the Committee, "C.L.E.U. needs a research and development component capable of draining the swamp while the Operations side fights the alligators."

While some people felt that the Policy Analysis Division should remain within C.L.E.U., a majority told the Committee that the Division should be "unbundled". Those components that assist Operations should remain within C.L.E.U. (and accountable only to the Officer in Charge), while the components that develop policy advice and recommendations for legislative and regulatory reform should be transferred to the Ministry's Police Services Division. Several people saw the logic to this re-organization, but feared that transferring these responsibilities to the Police Services Division might, over time, result in a dissipation of the focus on organized crime.

8. Vancouver Operations

a. Generally

The Committee's interviews with police officers and civilians within and outside C.L.E.U., criminal justice personnel and other public servants painted a less-than-impressive picture of C.L.E.U. Operations. Some people told the Committee that it lacked strong leadership: avoidance of any risk-taking in project approval, lack of an enforcement vision and no accountability. The Vancouver Joint Management Team meets only when requested to do so and responds only to issues put before it by management. The Policy Board exercises no meaningful oversight of C.L.E.U. Operations.

The Committee was told that the quality of briefs prepared for Crown Counsel was poor, and that the evidence often did not live up to the officers' initial claims. Only one in ten requests for wiretap authorizations were approved by the Crown, contrasted to a seven-out-of-ten approval rate for the Vancouver Police Department.

The Committee heard that in its early days C.L.E.U. had a well-deserved reputation as a crack crime-fighting unit, but it is now little more than a surveillance unit. Some people described its enforcement results as "disappointing" and "ineffective", and thought that conversion to a project-specific Joint Forces Operation would yield better results.

Several municipal police departments and detachments said that C.L.E.U. provided quality assistance when requested. Others said that C.L.E.U. was often "too busy" to help them, and that C.L.E.U. never shared with them intelligence about organized crime activities in their municipalities.

b. Outlaw Motorcycle Gang unit (OMG)

Many people told the Committee that OMG groups are the most significant organized crime threat in B.C. but that the police are "pathetically ill-equipped" to target them. The OMG unit at C.L.E.U. includes some highly-motivated and experienced officers, and yet the unit has had no significant arrests, prosecutions or forfeitures. The Committee was told that it has become little more than an intelligence unit, but refuses to enter its intelligence into the C.L.E.U. system, citing security concerns. Conversely, other police agencies that target OMG refuse to share their intelligence with the C.L.E.U. OMG unit, claiming that the unit lacks credibility, expertise and trust. C.L.E.U.'s OMG unit is not looked to for leadership, either in developing enforcement projects or responding to the Hell's Angels annual rides. The result is that the various police agencies tend to work independently of each other.

The Committee was told by many officers from different police agencies active in anti-OMG activities that B.C. needs a province-wide coördinated response to OMGs, autonomous of C.L.E.U., with a single commanding officer and satellite units in each locality that has a Hell's Angels club. Proceeds of crime should be an integral part of this response.

c. Asian Organized Crime unit (AOC)

The Committee was told that the AOC unit is very knowledgeable, although a lack of trust sometimes limits cooperation from other police agencies. The Unit is itself frustrated that it cannot take on drug investigations, since virtually every AOC activity has a drug component.

Officers working in the AOC area contend that AOC is a significantly more serious organized crime problem in B.C. than OMGs, and believe that their enforcement unit has been far more effective. The Committee was told that the present 18-officer unit is an inadequate response, since 10 or more officers are required for one surveillance operation, which may last for up to 18 months. The Committee was told that the Unit needs more intelligence groups, more 10-person target teams, a street team, a fugitive team to target people subject to deportation orders, and legal advisors.

d. Indo-Canadian Organized Crime unit (ICOC)

The Committee was told that C.L.E.U. should maintain an intelligence capacity with respect to ICOC groups, but that they are not nearly as significant a threat at present as either OMG groups or AOC groups. Several officers expressed concern about the role of Sikh groups in raising funds locally to support extremist activities in India, and thought that our concept of organized crime might need to include such activities.

e. Eastern European Organized Crime unit (EEOC)

The Committee was told that almost all EEOC activity occurs in Vancouver and Coquitlam, and that the C.L.E.U. unit should just assist the Vancouver Police Department respecting street-level activity. While the Unit has identified numerous individuals active in EEOC, it is unable to put together a package of potential targets for higher level organized crime activity. At the street level EEOC is very diverse and disorganized, with no evidence of a hierarchy. The Unit suspects that high-level EEOC figures have entered Canada with huge sums of illegal funds which they invest in legitimate business, but the Unit has as yet been unable to confirm specific criminal activity in which they are engaged.

f. Proceeds of Crime unit (POC)

Many people told the Committee that the most effective way to target organized criminals is through proceeds of crime, because it hits them where it hurts most. The criminal justice system does not intimidate them but the thought of losing their profits and assets does. However, this high-level commitment to proceeds of crime does not appear to have been translated into street-level support. The Committee was told that a POC training program for C.L.E.U. managers was very poorly attended, that officers do not understand that POC must be involved at the beginning of investigations and that enforcement units spend all their time on traditional investigative techniques (e.g. surveillance and informants), while ignoring POC techniques.

C.L.E.U.'s POC unit focuses exclusively on enterprise crimes, since the R.C.M.P.'s Integrated Proceeds of Crime (IPOC) Unit has the drug mandate. Some people told the Committee that it is important for C.L.E.U. to have its own POC unit, so that it can work closely with enforcement units. Others (especially within the R.C.M.P.) felt that it was an imprudent political decision to establish a POC unit at C.L.E.U. that is both segregated from IPOC and too small (4 officers) to be effective.

g. Portfolios

The Committee was told that the -officer **pornography unit** has developed a national and international reputation as the place for child pornography investigations. Although this activity has links to organized crime, it may more accurately fall within C.L.E.U.'s "major crime" mandate. It has an intelligence and enforcement function, and the officer works with local police forces and detachments on cases throughout British Columbia.

The -officer **Internet portfolio** provides assistance to C.L.E.U. units (especially the pornography portfolio) and outside agencies (*e.g.* Customs, FBI, Interpol). The Committee was told that organized criminal groups (*e.g.* OMG, EEOC) are using the Internet increasingly for gambling, pornography and money laundering activities, but that the C.L.E.U. unit is inadequately staffed to provide much support to other units.

The Committee was told that the -officer **gaming portfolio** is primarily an intelligence unit. There is a tremendous void in illegal gaming enforcement respecting video lottery terminals, unlicensed casinos and bingos, and bookmaking. Social clubs continue to operate although they have all been de-licensed, and there is a concern that they are ripe for takeover by organized crime groups.

The -officer **terrorist-extremist portfolio** has strictly an intelligence-gathering and dissemination function. Eighty percent of its work product goes to the Vancouver Police Department, with "haphazard" distribution of intelligence to other departments, detachments and agencies. The Committee was told that B.C. needs a regional response to these issues, and there are benefits to having the portfolio housed in C.L.E.U. There are no direct links to organized crime, but the portfolio arguably falls within C.L.E.U.'s "major crime" mandate. There is a tension within the portfolio in being accountable to C.L.E.U. management and the Vancouver Police Department.

The one-officer informant handling portfolio primarily serves the Vancouver Police Department, and several people questioned why it is housed within C.L.E.U.

9. Vancouver Island Operations

Several people told the Committee that the Unit functions well. One reason for this may be that the Joint Management Team consists of the Chief Constable from the five municipal police departments in the C.R.D. and the Officer in Charge of the R.C.M.P.'s Victoria Sub-Division (so everyone knows the situation in everyone else's jurisdiction) and meets every month.

However, the Unit is small (only 8 officers), which makes it marginally capable of mounting any significant organized crime investigation. In recent years it has become primarily a major crime Strike Force for the benefit of local police departments, although the new Inspector is apparently trying to shift the focus back to C.L.E.U.-initiated enforcement projects. The Unit services only the Victoria area even though there is considerable OMG activity in Nanaimo, and it provides very little assistance elsewhere on the Island.

D. Organized criminal intelligence

In the early 1980s Vancouver Police Department's Criminal Intelligence Unit and the R.C.M.P.'s National Criminal Intelligence Service merged to form the Vancouver Integrated Intelligence Unit (VIIU). Initially housed at the R.C.M.P. "E" Division Headquarters, it later moved to C.L.E.U. and in 1994 VIIU became the C.L.E.U. Intelligence Unit. The Committee was told that, because of this history, the Vancouver Police Department now has no in-house intelligence unit, and "E" Division's federal organized criminal intelligence unit has only three officers.

There was almost universal agreement that B.C.'s organized criminal intelligence "system" is in fact disorganized. To take OMG intelligence as an example, C.L.E.U.'s OMG unit refuses to enter its intelligence into C.L.E.U.'s S.I.U.S.S. (Special Investigative Unit Support System), citing security concerns. Rather, it uses R.O.C.O.R., a much-less sophisticated program developed by an R.C.M.P. officer after the Force refused to spend the $4,000 necessary to purchase S.I.U.S.S. However, the R.C.M.P.'s Vancouver Drug Section enters its OMG intelligence into the National Criminal Data Base (N.C.D.B.), which communicates with neither S.I.U.S.S. nor R.O.C.O.R.

The Criminal Intelligence Service British Columbia (C.I.S.B.C.) operates the Automated Criminal Intelligence Information System (A.C.I.I.S. II), but neither the R.C.M.P. nor the most important organized crime units currently enter their intelligence into A.C.I.I.S. II, and there are technical problems with and political objections to sharing intelligence between A.C.I.I.S. II and S.I.U.S.S.

Almost everyone the Committee interviewed is frustrated with the lack of coordination between and integration of the many intelligence databases. Each police agency places its own short-term interests above the collective long-term needs of them all, resulting in poor intelligence-sharing. Many people told the Committee that B.C. needs one organized criminal intelligence-gathering and analysis system, that is effectively linked to other provincial and national intelligence systems.

E. The role of Criminal Intelligence Service British Columbia (CISBC)

The purpose of C.I.S.B.C. is to "provide facilities for the collection, analysis and dissemination of significant criminal intelligence to aid in combatting the spread of organized crime in Canada." C.I.S.B.C. moved into the C.L.E.U. premises in Vancouver in 1992 and, although it is technically a separate entity, the Committee was told that many people see it as part of C.L.E.U., and indeed C.L.E.U.'s promotional material fosters that perception. For this and other reasons, key intelligence units (*e.g.* C.L.E.U.'s OMG unit and the R.C.M.P.'s Vancouver Drug Section) do not enter their data into the C.I.S.B.C. system, and the R.C.M.P. has recently formed its own "E" Division Criminal Analysis Section (EDCAS) rather than rely on C.I.S.B.C.

The Committee was told that C.I.S.B.C. is vastly underrated and underused in B.C., and that it should be the principal organized criminal intelligence gathering and analysis entity in the Province. This is the role played by C.I.S.B.C.'s counterparts in most other provinces, which are organized under the Criminal Intelligence Service Canada (C.I.S.C.) national umbrella.

F. Legal and prosecutorial services

There was almost universal agreement among officers in C.L.E.U. and the R.C.M.P. that organized crime enforcement units need access to specialized legal advice throughout the entire operation. Prosecutors with knowledge of organized crime groups and with expertise in the law and practice relating to search warrants, wiretap, conspiracies, proceeds of crime, informants and Crown disclosure would be invaluable in assisting the police. Four federal Department of Justice lawyers have been seconded to the IPOC unit at "E" Division for the last five years, and provincial prosecutors work with the historic homicide and commercial crime units. The Committee was told that making specialized legal advice available during investigations has the effect of narrowing down the number of targets, focusing on higher-level targets, and identifying the specific evidence necessary to prove a substantive or conspiracy charge.

There is some difference of opinion about whether lawyers assigned to liaise during investigations should also conduct the resulting prosecutions. The provincial Crown Counsel use different lawyers to prosecute, although the federal Department of Justice told the Committee that defence counsel have been unsuccessful in having their prosecutors disqualified. The provincial Criminal Justice Branch acknowledges that its traditional reactive approach to organized crime prosecutions is inadequate, and the Branch is open to developing a more proactive approach.

There is a perception among the police that prosecutors are sometimes intimidated by organized criminals such as the Hell's Angels, which affects the Crown's willingness to proceed with prosecutions. The provincial Crown disputes that, and told the Committee that there has never been a problem with organized criminals intimidating its prosecutors. The federal Crown concedes that some staff prosecutors have declined to accept organized crime files out of fear that their children and spouses will be subjected to intimidation.

Some officers expressed frustration that the Crown is reluctant to prosecute conspiracies, which are expensive and lengthy. Prosecutors said that the real problem is proving a conspiracy, unless there is solid evidence from an undercover operation.

Many police officers and prosecutors cited the Crown's disclosure obligations as a serious impediment to effective organized crime investigation and prosecution. Foreign police agencies are afraid to share intelligence with C.L.E.U., fearing that it will have to be disclosed. Informants frequently risk their lives assisting the police, and aggressive demands for disclosure from defence counsel representing numerous different accused can sometimes unintentionally reveal the identity of an informant. Important organized crime prosecutions are sometimes terminated, rather than risk disclosure of information that might identify an informant.

G. Legislation

With respect to existing anti-organized crime legislation, the Committee was repeatedly told that the duty imposed on financial institutions and others to *record* cash transactions of over $10,000 was inadequate, and that there should be a mandatory duty to *report* such transactions to a federal authority. Last year's amendments to the *Criminal Code* (Bill C-95) which created a new offence of participating in a criminal organization is not being used in B.C., apparently because of no training for prosecutors and/or concerns about *Charter* arguments. Officers investigating Asian organized crime told the Committee that Bill C-95 is of no value to them, because the manner in which those groups organize would make it impossible to meet the requirements of the *Code*.

The Committee received several suggestions for better laws:

- mandatory duty to report suspicious transactions and all cash transactions over $10,000,
- tougher currency controls, including a duty to disclose the source of funds entering Canada and the movement of currency outside Canada,
- creation of a provincial offence for possession of an unlicensed video lottery terminal,
- creation of a *Criminal Code* offence and civil forfeiture of assets for being a member of a criminal organization.

Many people told the Committee that the Province should enact legislation establishing the mandate of C.L.E.U., using the *Canadian Security Intelligence Service Act*, R.S.C. 1985, c. C-23 and the Australian *National Crime Authority Act* as models. They felt that the Act should impose a mandatory duty on municipal police boards and municipal councils (in R.C.M.P. municipal jurisdictions) to contribute police officers and financial resources to combat organized crime, as part of their statutory duty under the *Police Act* to provide sufficient numbers of officers to adequately enforce the criminal law.

H. Administrative and governance structure

There was divided opinion about **whether C.L.E.U. has a future.** Some officers thought that its reputation is so badly tarnished that it should be disbanded and the province should start over. They felt that C.L.E.U. does not have the credibility to mount a significant operation or to attract participation from other police agencies. Others felt that C.L.E.U. has an impressive national and international reputation and that, with the proper leadership, accountability, staffing and funding, it could do the job.

Some officers, especially those from the R.C.M.P., believe that B.C.'s response to organized crime is properly a responsibility of the **provincial police force.** For that reason it should be assigned to the R.C.M.P., where an infrastructure already exists and an organized crime unit could work closely with the federal force's other units that target organized criminals.

The Committee was told that the **Policy Board** is not an effective management or oversight body. It meets only twice a year, addresses primarily Policy Analysis

Division issues and has little influence over the Operations side. Some people felt that the Policy Board should be involved in the selection of the Officers in Charge, should hold C.L.E.U. management accountable and should set C.L.E.U.'s direction and broad policy objectives.

With respect to the **Joint Management Team**, there was general agreement that the Vancouver Team is not an effective management structure. It meets only when requested to do so by the Officer in Charge, and its members have varying degrees of interest and commitment to the task. It was suggested that:

- the Vancouver Team should be increased in size to include representation from the smaller police forces and the five largest R.C.M.P. detachments,
- members should make a 2-year commitment even if they are given promotions during that period,
- the Team should be involved in the selection of the Officer in Charge, and
- the Team should be accountable to the Policy Board and the B.C. Association of Chiefs of Police.

There was a division of opinion about whether the **Policy Analysis Division** should be moved out of C.L.E.U. Some thought it functions reasonably well where it is, and that it is important to keep strategic and tactical analysis in close proximity to operations. Others feel strongly that the relationship between the two divisions of C.L.E.U. is irreparably poisoned, that strategic and policy analysts should report to the Officer in Charge and that the policy component of the Division should be transferred to the Police Services Division of the Attorney General's Ministry. Many people told the Committee that the first priority of the analysis component should be the preparation of an annual State of Organized Crime in British Columbia, to serve as a baseline for measuring the effectiveness of B.C.'s anti-organized crime efforts.

The Committee was told that C.L.E.U. **Operations** must remain separate from government, to preserve police independence. Many people feel that the secondment model is no longer viable and that a permanent, separate enforcement agency is necessary. Others felt equally strongly that no Canadian jurisdiction has an effective permanent Operations unit, that C.L.E.U. should be converted into an organized crime intelligence agency and that all operations should be done through project-specific Joint Force Operations (JFO). The lead agency for each JFO would be determined by which police force has the greatest interest in the target. The Committee was told that JFOs allow for a more flexible response to the ever-changing face of organized crime and that governments prefer to fund specific projects rather than permanent agencies because their productivity is more easily measured. Most people agreed that B.C. needs a permanent organized criminal intelligence gathering and analysis capability, and some believe that an enhanced C.I.S.B.C. is the appropriate agency to take on this responsibility.

Those who were familiar with **Vancouver Island Operations** felt that it should restrict its activities to organized crime and that operations should be done through

CHAPTER 5

OBSTACLES TO AN EFFECTIVE RESPONSE TO ORGANIZED CRIME

This review has led the Committee to some strong conclusions. Despite many highly committed individuals and significant public funding, B.C.'s response to organized crime has, at least recently, been unimpressive. In this Chapter the Committee will set out what it considers to be the principal obstacles to an effective response to organized crime in British Columbia.

A. Quantifying the organized crime problem

One of the greatest challenges the Committee faced was obtaining a quantification of the organized crime threat in B.C. The Committee acknowledges that the nature of organized crime activity precludes a precise statistical assessment. Although the Committee did review C.I.S.B.C.'s annual report, it was surprising that neither C.L.E.U., C.I.S.B.C. nor the R.C.M.P. in its capacity as the provincial police force produces a comprehensive annual State of Organized Crime in British Columbia. Without a regularly updated description, it is difficult for C.L.E.U. to set priorities, decide on investigative techniques or determine the human and financial resources required.

B. Jurisdiction over drugs

A decision made five or six years ago that C.L.E.U. would not initiate investigations that were principally drug-related has seriously undermined its effectiveness and the morale of its officers and staff. Every major organized crime group is involved in the drug trade, and almost every enforcement project will ultimately have a drug component. It makes no sense to give C.L.E.U. the mandate to fight organized crime, and simultaneously take back such a significant portion of its mandate.

C. Organized criminal intelligence systems

Everyone agrees that a single repository for organized criminal intelligence, and an integrated system for analyzing it, is essential to effective enforcement. Yet municipal, provincial and federal police agencies have deliberately developed stand-alone systems that are unable to communicate with each other, and agencies have refused to share intelligence with other agencies targeting the same groups and individuals. Teamwork has succumbed to territoriality.

D. An uncoordinated response to organized crime

Although the C.L.E.U. model was designed to overcome jurisdictional obstacles, C.L.E.U.'s recent decline in credibility has resulted in individual police agencies working alone or making bi-lateral arrangements with one another to combat organized crime. Few police agencies look to C.L.E.U. to perform this vital coordinating role.

E. The C.L.E.U. mandate

C.L.E.U. is trying to do too much with too few resources. It has accepted the mandate of combatting organized crime, major crime and inter-jurisdictional crime but, in so doing, has spread itself so thin it has limited effectiveness. However, its acceptance of this sweeping mandate is a principled and understandable response to numerous independent and uncoordinated police structures in the G.V.R.D. and the C.R.D.

F. The secondment model

Most police departments and detachments are not willing to contribute officers to C.L.E.U.

Given the staffing and financial pressures faced by all police agencies, there is no reason to believe that this problem will be resolved in the near future. The caliber of those who are assigned to C.L.E.U. is uneven, and many do not bring with them the training and expertise necessary for complex organized crime investigations.

G. C.L.E.U. management and accountability

The absence of eligibility criteria and the lack of transparency in the selection of police executives within C.L.E.U. have led, over time, to uneven leadership, with resulting loss of morale within all ranks. The Officer in Charge is not effectively accountable to the Joint Management Team or to the Policy Board, and there are equally vague lines of accountability from the Policy Analysis Division to the Policy Board and to the Ministry of the Attorney General.

H. Workplace conflict

Every working environment experiences personality clashes, but the situation in C.L.E.U. is far worse. The relationships between the Policy Analysis Division and Operations, and even within each division, are strained and possibly beyond repair. Internal feuding and distrust seriously undermine C.L.E.U.'s capacity to combat organized crime.

I. Inadequate funding

The absence of a comprehensive funding agreement among the law enforcement partners (even after 24 years), routine disagreements over who will pay for what, and a steady erosion of federal and provincial funding for anti-organized crime initiatives (such as informant payments, witness protection and legal advisors to investigations) has meant that some C.L.E.U. teams are too small to conduct effective surveillance, wiretap or enforcement activities. Funding cutbacks have also reduced the Policy Analysis Division's capacity to undertake empirical research.

CHAPTER 6

ESSENTIAL ELEMENTS OF B.C.'s RESPONSE TO ORGANIZED CRIME

The Committee's consultation process was an invaluable opportunity to learn from many seasoned police officers and civilians about the strengths and weaknesses of B.C.'s current response to organized crime, what works and does not work, and what reforms are needed.

That exchange has enabled the Committee to identify the essential elements that must be incorporated into B.C.'s anti-organized crime strategy. This Chapter will discuss those essential elements, and Chapter 7 will discuss and recommend the administrative and governance structures in which they should be housed.

A. Complement the national and other provincial strategies

British Columbia's organized crime problem is only part of a much larger national and international pattern of criminal activity. Organized crime groups operating here are associated with or at least have links with other groups across Canada and throughout the world.

B.C. must work cooperatively with other provinces and the federal government in combatting organized crime. Strategies developed here must be consistent with the national strategy, and our administrative structures and criminal intelligence data systems must complement those in other provinces.

At the same time, B.C. must speak with one voice at national and international anti-organized crime forums.

B. Focus on organized crime

B.C. must not allow its anti-organized crime initiatives to be distracted into assisting local departments and detachments on major and inter-jurisdictional investigations. While it would be imprudent to impose an absolute prohibition on providing such assistance, a compelling case should be made before our limited anti-organized crime resources are diverted into these other areas. Other forms of assistance to local forces are available, such as the development of specialized police services on a regional basis for major crimes, and the monthly operational commanders' meetings to address inter-jurisdictional crime activities.

B.C. needs a clear and contemporary definition of organized crime, one that captures the reality of the ever-changing nature of organized criminal activity. The R.C.M.P., C.I.S.C. and C.L.E.U. refer to organized crime as **two or more persons consorting together on a continuous basis to participate in illegal activities either directly or indirectly for gain.** While this captures the essential components of conspiracy, continuity and financial gain, the Committee is attracted to the broader characterization reflected in the August 1998 *Organized Crime Impact Study* published by the federal Department of the Solicitor General:

> economically motivated illicit activity undertaken by any group, association or other body consisting of two or more individuals, whether formally or informally organized, where the negative impact of said activity could be considered significant from an economic, social, violence generation, health and safety and/or environmental perspective.

C. Cover the entire province

Organized criminal intelligence should be gathered from all areas of the province, and should be disseminated back out to police agencies in all areas of the province, on a need-to-know basis.

Organized crime enforcement operations should be mounted in any area of the province where the level of activity warrants.

D. Involve all relevant law enforcement and criminal justice agencies

B.C. has many law enforcement and criminal justice agencies at the municipal, provincial and federal levels committed to combatting organized crime. They should all have a voice in decision-making that affects their interests and responsibilities.

E. Develop an integrated response

If B.C. hopes to be effective in attacking organized crime, all law enforcement and criminal justice agencies must work together as part of a unified team. Our response to organized crime must overcome federal/provincial jurisdictional disputes. Agencies must come together and work cooperatively on projects and prosecutions in which they have an interest and responsibility. Subject to operational security concerns, one agency should know when another agency is targeting an individual or organized crime group in which it has an interest.

F. Liaise nationally and internationally

B.C. must be capable of providing intelligence and operational assistance to law enforcement agencies from other Canadian and foreign jurisdictions. It must be capable of working with such agencies, when a B.C. investigation goes beyond provincial or national borders.

G. Be flexible

Traditional forms of organized criminal activity are giving way to more opportunistic arrangements. Organized crime groups work cooperatively with each other, dividing up commodities or geographical areas, and they sometimes participate in joint ventures. An individual member of a group may engage in criminal activity with non-member confederates, drawing on the resources and contacts of the organized group. They are diversifying into high-tech and environmental crime, which demands different investigative methods and expertise.

B.C.'s response to organized crime must be flexible enough to respond effectively to the ever-changing face of organized crime.

H. Fund B.C.'s response adequately

Organized crime activities, being by nature secretive and often complex, require specialized investigative and prosecutorial methods such as wiretap, surveillance, computer analysis, source payments, witness protection, proceeds of crime investigations, complex Crown disclosure and conspiracy charges. These are labour-intensive and therefore expensive. If B.C. is serious about fighting organized crime, it must be prepared to provide adequate funding to do the job.

All law enforcement partners and other stakeholders must contribute equitably according to a comprehensive, clearly articulated, written formula. The funding formula must be capable of periodic revision to ensure on-going equity.

Some enforcement projects may have a life of 18 to 24 months, and there should be a commitment to fund the entire project, subject to regular performance reviews. Police executives in charge of enforcement should have direct control over operational funds that have been approved for specific projects, and should know the global amount available for combatting organized crime, so they can undertake multi-year strategic planning.

I. Develop an integrated organized criminal intelligence system

Organized criminal intelligence should be gathered from street-level policing, enforcement activities and dedicated organized criminal intelligence units. B.C. urgently needs a central repository for all organized criminal intelligence, or at least a single database that will identify where relevant information can be found.

Intelligence must be analyzed by people with appropriate training and skills (which may vary) for tactical, strategic and policy purposes, and should inform all targeting and enforcement decisions.

Organized criminal intelligence must be available to and accessible by all authorized law enforcement agencies in the province and across Canada on a need-to-know basis. All law enforcement partners must have confidence that stored intelligence is secure, and adequately protected from disclosure except as required by law.

J. Staff B.C.'s response appropriately

British Columbia must provide adequate police and civilian staff to achieve the intelligence and enforcement goals that the stakeholders set. All law enforcement partners must contribute human resources on an equitable basis. Once committed, human resources should not be withdrawn prematurely. Personnel should be competent to perform the specialized tasks involved in investigating and prosecuting organized criminals, or should receive appropriate training before taking on their assignment. All personnel should meet strict security standards, and should be subjected to ongoing security clearances.

K. Management

There should be one senior police Officer in Gharge of B.C.'s response to organized crime, who should have demonstrated leadership skills and expertise in combatting organized crime, and who attracts the confidence of all stakeholders. The Province should have a significant voice in the selection of the Officer in Charge.

All police and civilian personnel should be responsible to the Officer in Charge. A single management structure should control organized criminal intelligence and enforcement.

L. Enforcement

All law enforcement partners have a role and responsibility in identifying targets and assisting in the execution of approved enforcement projects. Operations should be approved and prioritized by a Joint Management Team (described in detail in Chapter 7), which should also be responsible to identify the lead agency. Each enforcement project should be uniquely configured, bringing people with specific skills and experience together from the various law enforcement partners. Each project should have one project manager, who is accountable during and after the project for decisions made and funds expended.

Each enforcement project should be adequately resourced with a proceeds of crime capacity, legal advisors during the project and a Crown counsel liaison component.

M. Administration

The physical facilities in which our response to organized crime is housed should be suitably located, with adequate space and appropriate amenities. It needs to have, or at least have guaranteed access to, specialized equipment and services. All reasonable steps should be taken to standardize operational policies, such as informant debriefing.

There should be a simplified, centralized accounting system that is consistent with provincial policies and under the direction of the Officer in Charge and each project manager. There should be an effective audit system in place to ensure that funds are spent as authorized.

N. Liaison with the Attorney General

The provincial Attorney General needs to be kept informed of the magnitude of the organized crime problem, emerging trends in organized crime activity and the need for legislative and regulatory reforms. Strategic intelligence, as well as post-project debriefing, should be drawn on for these purposes, subject to appropriate safeguards to preserve security and operational independence.

O. Police independence

Police officers should not be subject to direction from government in deciding whether to investigate an alleged offence, how to do so and whether to recommend that charges be laid. Safeguards should be developed to ensure that there is no inappropriate transfer of operational information to the Executive Branch of government.

P. Legal advice and prosecutorial services

Investigators should have access to specialized legal advice throughout the duration of an enforcement project, and a legal advisor should be part of every post-project debriefing. Crown counsel should liaise regularly with enforcement projects, and should be prepared to prosecute conspiracies when the evidence warrants, especially when substantive charges cannot be proven against high-level targets.

Q. Accountability and oversight

Policing activities must ultimately be accountable to civilian authority. The intelligence and enforcement components of B.C.'s response to organized crime must be accountable to an oversight body that has meaningful authority and an expertise in and commitment to combatting organized crime.

CHAPTER 7

DEVELOPING AN EFFECTIVE RESPONSE TO ORGANIZED CRIME

The first step in developing an effective response to organized crime is to identify the key functions that should be performed by B.C.'s anti-organized crime initiative. In the Committee's view there are six: information gathering, intelligence analysis, targeting, enforcement, quality assurance and policy development. They are set out schematically in Appendix 7. In the first part of this Chapter the Committee will discuss each of these key functions. The second part will focus on the administrative and accountability structures that should be developed so that these functions can be optimally performed.

A. IDENTIFYING THE KEY FUNCTIONS

1. Information gathering

Information about organized crime groups, the individuals involved and their criminal activities is available from a variety of sources. Uniformed police officers often acquire this type of information (sometimes unwittingly), through routine roadside investigations and observations. Street-level enforcement activities, such as by the Vancouver or Victoria Police Department's drug squad or homicide unit, may produce valuable information about organized crime activity. It is essential that these front-line officers be aware of their important role in gathering information about organized crime activity, and that they enter such information into a centralized intelligence system.

Recommendation 4

All law enforcement agencies have a criminal intelligence responsibility. Each medium and large municipal police department and R.C.M.P. municipal detachment in the province should have a full-time criminal intelligence unit. This unit should ensure that front-line officers:

- **have current information about organized crime groups and individuals operating in their jurisdiction, and the nature of their activities,**
- **understand the important role they play in routinely gathering information about organized crime activity in their jurisdiction, and**
- **enter information about organized crime into a centralized criminal intelligence system.**

The R.C.M.P. and other federal law enforcement agencies also play a key role in gathering information about organized crime. R.C.M.P. officers working under the federal mandate in their Vancouver Drug Section and officers working as part of the provincial police force in the commercial crime and serious crimes units need to ensure that the information they obtain becomes part of a centralized data base. The same applies to officers in Revenue Canada's Customs and Excise unit and to officers on Citizenship and Immigration Canada's enforcement teams.

Recommendation 5

The R.C.M.P., Revenue Canada, Citizenship and Immigration Canada and other federal law enforcement agencies must ensure that their officers:

- **understand the important role they play in routinely gathering information about organized crime activity, and**
- **enter information about organized crime into a centralized criminal intelligence system.**

British Columbia must also maintain a permanent organized criminal intelligence capacity, with resources adequate to monitor the activities of known organized crime groups and individuals. The Committee believes that C.L.E.U.'s approach of focusing on groups rather than commodities or illegal activities is appropriate for intelligence-gathering and analysis purposes. This unit should liaise with anti-organized crime agencies in other Canadian and foreign jurisdictions respecting the sharing of intelligence.

Recommendation 6

There should be, within British Columbia, a permanent organized criminal intelligence unit, adequately resourced to monitor the activities of known organized crime groups and individuals. Information acquired by this unit should be entered into a centralized intelligence system. This unit should take the lead role in liaising and sharing intelligence on a need-to-know basis with anti-organized crime agencies in other Canadian and foreign jurisdictions.

2. Intelligence analysis

Information about organized crime groups, individuals and activities must be analyzed by people with the appropriate skills and training, and the resulting intelligence must guide targeting decisions and enforcement activities. For this to happen, it is essential that information about organized crime from all sources be funneled into one centralized organized criminal intelligence system. This does not necessarily mean that there must be one data base into which all information is entered. That may be the ideal, but it is not, at least in the short-term, realistic. What is essential is that one centralized data base contains either the information itself or at least information that will point users to other data bases or individuals.

For example, a police agency targeting an individual biker from the Nanaimo chapter of the Hell's Angels should be able to search a centralized organized crime data base that will either contain all the information known to police agencies about that group or individual or will refer the inquiring officer to another data base (*e.g.* CPIC or NCDB) or to individual officers who may be contemporaneously targeting the same individual.

Recommendation 7

There should be one centralized data base in British Columbia for all organized criminal intelligence, which contains all known information about organized crime or pointers that direct users to information held in other accessible data bases or held by named individuals.

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The collation and analysis of information about organized crime, which produces "intelligence", is an activity that requires special skill, training and aptitude. Strategic analysis assists officers in identifying targets and in designing enforcement operations. Tactical analysis assists in the detailed execution of enforcement projects. Policy analysis informs the Attorney General about the magnitude of organized crime activity, emerging trends and the need for legislative and regulatory initiatives. All three types of analysis are essential.

Recommendation 8

British Columbia must have an intelligence analysis capacity, adequately resourced and appropriately trained, to undertake tactical, strategic and policy analysis, which should guide all decisions respecting targeting, enforcement and policy development.

British Columbia's centralized data base and the product of its intelligence analysis should be accessible to all law enforcement partners involved in targeting organized crime activity, on a need-to-know basis. In other words, those who feed information about organized crime activity into the system should receive information and intelligence out of it as well. This means that all law enforcement partners need an on-line connection to the centralized data base, with links to other data bases to which they may be pointed. They will need training in the use of these systems. Analysts who develop intelligence that would be of specific interest to a law enforcement agency, such as a municipal police department's drug unit or Canada Customs, should ensure that the agency receives the intelligence on a timely basis. Security safeguards will need to be developed, to prevent unauthorized disclosure of confidential information.

Recommendation 9

British Columbia's centralized criminal intelligence data base should be accessible to all law enforcement partners on a need-to-know basis, with appropriate security safeguards to prevent unauthorized disclosure of confidential information. Law enforcement partners should be promptly informed of organized criminal intelligence affecting their mandate.

3. Targeting and priority setting

The information gathering and intelligence analysis functions, whether performed by a centralized intelligence agency or by individual police forces, will produce the capacity to identify specific organized crime targets: individuals and/or groups that should be subjected to enforcement activities. British Columbia must ensure that it has the capacity to receive, evaluate, approve and priorize requests for enforcement activities, with adequate and reliable funding and resources to mount a credible attack on organized crime. Every law enforcement partner should have a voice in targeting that affects its jurisdiction or interests.

Recommendation 10

The Province should coordinate the development of a single targeting body (such as the Joint Management Team proposed in Recommendation 15) that represents the interests of all relevant law enforcement partners. This management body should be adequately funded and resourced to receive, evaluate, approve and prioritize organized crime enforcement projects.

4. Enforcement

Once an enforcement project has been approved and funded, it can be executed in one of two ways. Some anti-organized crime agencies, including C.L.E.U. in recent years, favour the permanent enforcement unit model. Officers are contributed to C.L.E.U. for a fixed term of at least two years or indefinitely, and are assigned to a specific organized crime group unit. When a project is approved, members of that unit become an operational unit. Depending on the size and complexity of the project, officers from other C.L.E.U. units may be transferred into the operational unit for part or all of its duration.

The other approach uses project-specific Joint Forces Operations. These bring together, on a case-by-case basis, officers from contributing law enforcement agencies that have an interest in the particular target. The agency that has the greatest interest is normally identified as the lead agency, and the participating forces negotiate the human, material and financial resources they will contribute. Their agreement is reduced to writing, and is periodically reviewed during the course of the project to ensure ongoing equity. This model is used in Ontario and is under active consideration in Alberta.

The advantages of the permanent enforcement model are that the anti-organized crime agency:
- should already have detailed intelligence about the target group and/or individuals,
- has a permanent facility, and a pool of officers, equipment and specialized services ready to form a project team,
- should have experience in organized crime investigations and the special investigative skills required,
- is designed to provide a multi-agency, multi-disciplinary platform for long-term investigations through continuity in assignment, case records management, and analytical and systems support.

The advantages of the project-specific JFO model are that:
- a uniquely configured enforcement unit can be created for each project, bringing together an adequate complement of officers with the appropriate experience and specialties for the task,
- law enforcement partners are more likely to contribute human, material and financial resources, seeing the direct benefit of the project to their jurisdiction or mandate,
- governments are more willing to fund specific projects that have a definite start and finish date rather than incurring an indefinite funding commitment,
- the effectiveness of specific projects is more easily determined, and
- it permits a more flexible approach to combatting organized crime.

A significant amount of the Committee's consultation and internal discussion centered around these two competing models. Although neither approach is ideal, the Committee was impressed with the experience in British Columbia and in other Canadian jurisdictions where project-specific JFOs have been used. The Committee was particularly attracted to the flexibility JFOs offer, especially if they are integrated with a permanent, centralized intelligence-gathering and analysis component. British Columbia should avoid locking itself into a response model that will not readily adapt to the changing structures, activities and methods of organized criminals.

Recommendation 11

The province should commit itself to developing an anti-organized crime response that relies on project-specific Joint Force Operations in which:
- **law enforcement partners contribute experienced officers with appropriate specialized training,**
- **the agency with the greatest interest in the project normally be designated as the lead agency, and**
- **all participating agencies reduce to writing their commitment of human, material and financial resources.**

5. Quality assurance

There are several dimensions to quality assurance. First, officers and civilians who participate in British Columbia's response to organized crime must be competent to perform their roles, must have access to professional development programs and must have their performance evaluated on a regular basis. Individuals who do not meet acceptable performance standards and who do not respond to remedial measures should be reassigned to more appropriate duties.

Second, the leader of each joint force operation should be accountable, throughout the operation, for decisions made and funds spent. At the completion of each project, there should be a systematic debriefing of those involved. This may identify new targets for enforcement activities, as well as additional intelligence that should be entered into the centralized organized criminal intelligence data base. In other words, the quality assurance function should loop back to enhance the effectiveness of the enforcement, targeting and intelligence analysis functions.

6. Policy development

British Columbia's response to organized crime cannot be limited to intelligence and enforcement. Since government has an important role to play in combatting organized crime, B.C.'s anti-organized crime strategy needs to have the capacity to inform and advise the Attorney General. This means that the work product of strategic intelligence analysis and post-operational debriefings should be used to inform the Attorney General about the magnitude of the organized crime problem, emerging trends and the need for legislative and regulatory initiatives (see Recommendation 21). This function must be performed with due respect for police independence and for the need to safeguard sensitive operational information.

B. DEVELOPING ADMINISTRATIVE AND OVERSIGHT STRUCTURES

An organizational chart showing the Committee's proposed administrative and oversight structures is included as Appendix 8.

1. Criminal Intelligence Service British Columbia (C.I.S.B.C.)

a. Intelligence gathering and analysis

Currently there are three organized crime intelligence analysis agencies in British Columbia, the R.C.M.P., C.I.S.B.C. and C.L.E.U., with limited coordination among them. There should be only one. From a national perspective, Criminal Intelligence Service Canada (C.I.S.C.) has been mandated by all major Canadian law enforcement agencies as the lead agency to gather, analyze and disseminate criminal intelligence in order to "effectively combat the spread of organized crime and other significant criminal activity in Canada."

Under the C.I.S.C. umbrella, law enforcement agencies have established in each province a provincial bureau (such as C.I.S.B.C.) with a constitutional mandate that includes the following:

- actively promote and create the maximum exchange of criminal intelligence as well as information between the Provincial Bureau and its member agencies and enforcement units within its jurisdiction,
- maintain a repository for criminal intelligence,
- perform the "intelligence process" of collection, evaluation, collation, analysis, re-evaluation and dissemination on behalf of intelligence units within its jurisdiction and for other Provincial Bureaux where applicable,
- provide a concise summary of organized crime trends annually,
- maintain criminal intelligence files/dossiers on subjects involved in organized crime,
- liaise with police forces and other appropriate agencies in matters of criminal intelligence,
- apprise C.I.S.C. on matters of national importance as required,

- promote, co-ordinate and monitor the ACIIS program and act as an ACIIS maintenance unit in accordance with C.I.S.C. policy, and
- initiate special projects as identified by their membership, subject to the approval of the Provincial Executive.

British Columbia's fractured intelligence gathering and analysis initiatives cannot be allowed to continue. The only beneficiary of the territoriality that has produced our three uncommunicative systems is organized crime. The original and progressive concept behind C.L.E.U. was to *coordinate* intelligence and enforcement efforts, but it has recently had the opposite effect. Well-intentioned efforts to "do it better" in British Columbia have regrettably isolated us from the rest of Canada.

In the Committee's view British Columbia should develop an organized criminal intelligence-gathering and analysis strategy that complements the national strategy against organized crime and the approaches taken in other provinces. A strengthened and adequately resourced C.I.S.B.C. is the appropriate body to act as British Columbia's organized crime intelligence-gathering and analysis agency. With a centralized intelligence data base and a commitment by all law enforcement partners to enter organized crime intelligence into this system, C.I.S.B.C. would be able to fulfil its original mandate and will ensure that British Columbia is a strong partner in a national response.

It will be a challenge to develop an integrated intelligence system in the province. All our law enforcement partners must commit themselves to this transformation, and must be prepared to modify their own policies, practices and computer systems. This will take time and will require a detailed understanding of the various systems currently in operation. In the Committee's view, the Attorney General should establish and fund an Intelligence Task Force to develop a comprehensive protocol among all law enforcement partners, detailing implementation of this new system.

Recommendation 12

The Attorney General, in the exercise of his statutory responsibility under the *Police Act* to ensure that an adequate and effective level of policing and law enforcement is maintained throughout British Columbia, should:

- **designate C.I.S.B.C. as the lead agency for organized criminal intelligence gathering and analysis,**
- **designate the Automated Criminal Intelligence Information System (A.C.I.I.S. II) as the centralized computer system for the storage of organized criminal intelligence in the province,**
- **direct all police and law enforcement agencies in the province to enter information about organized crime into A.C.I.I.S. II or to record in A.C.I.I.S. II pointers to other data bases in which such information is stored,**

- **ensure that C.I.S.B.C. is adequately resourced and funded, and staffed with appropriately trained personnel, to provide open source, tactical and strategic analysis, and to disseminate intelligence to appropriate agencies, and**
- **establish and fund an Intelligence Task Force representative of all law enforcement partners, to develop and implement a provincial protocol ensuring the entry of information about organized crime into A.C.I.I.S. II and the dissemination of organized criminal intelligence among law enforcement partners.**

b. Permanent organized criminal intelligence units

British Columbia needs an ongoing capacity to monitor the activities of identified organized crime groups and individuals. This function was previously performed by the Vancouver Integrated Intelligence Unit (V.I.I.U.), which subsequently became the Intelligence Unit within C.L.E.U., and most recently has been rolled into C.L.E.U.'s operational units.

Based on the Committee's consultation process, it is clear that outlaw motorcycle gangs and Asian organized crime groups warrant the largest intelligence units. Smaller intelligence units should focus on Eastern European and Indo-Canadian organized crime groups, Lower Mainland ports, air travel, gaming and pornography.

These units should be staffed by police officers contributed to C.I.S.B.C. on an equitable basis by all law enforcement partners in the Province, for fixed terms of at least three years. The units should be housed in, and come within the command structure of C.I.S.B.C. Although C.L.E.U. currently has operational units targeting these organized crime groups and activities, it does not necessarily follow that the individuals in these units are the ones best suited for the new intelligence units. The new C.I.S.B.C. managers must have the flexibility to choose the most qualified staff from within C.L.E.U. or from outside agencies.

Recommendation 13

New and equitably-resourced permanent organized criminal intelligence units should be established within C.I.S.B.C., with a mandate to monitor the activities of identified organized crime groups and individuals.

c. Management structure

i. Oversight board

As discussed in Section A of this Chapter, the Committee has concluded that British Columbia should commit itself to developing an anti-organized crime response that relies on project-specific Joint Force Operations. Although each JFO will be an *ad hoc* stand-alone unit, there will be a need for project approval and priority-setting, funding, specialized equipment, support services and on-going accountability. It makes most sense to the Committee that JFOs and these ancillary supports be managed within the C.I.S.B.C. structure, to ensure the highest possible degree of coordination between the intelligence and enforcement functions.

That means that the C.I.S.B.C. mandate needs to be expanded, that its Executive Committee should be more broadly-based to ensure that it represents the interests of all law enforcement partners and other criminal justice stakeholders, and that provision be made for a C.I.S.B.C. Joint Management Team and an Officer in Charge. The Attorney General should consult with C.I.S.B.C. and other interested parties about amending the C.I.S.B.C. Constitution accordingly.

To effectively perform this enhanced role, C.I.S.B.C. should be formally recognized as a policing entity. Under the *Police Act*, s. 4.1 provision is made for the establishment of designated policing units to provide policing and law enforcement supplemental to that which is otherwise provided by the provincial police force and municipal departments. In the Committee's view it would be appropriate for the Justice Development Commission established under the *Justice Administration Act* to make an application for C.I.S.B.C. to be established as a designated policing unit.

Reconfigured in this way, C.I.S.B.C. would continue to meet its Constitutional responsibilities as a provincial bureau of C.I.S.C., but would have an enhanced role as British Columbia's lead agency in the fight against organized crime. The new C.I.S.B.C. board of directors should set broad policy objectives for the organization and should ensure that they are implemented:

Recommendation 14

The Attorney General should specify C.I.S.B.C. as a designated policing unit under the *Police Act* to be the lead agency to oversee British Columbia's response to organized crime, and should provide for the appointment of a C.I.S.B.C. board of directors (chaired by a police officer) which should include representation from at least the following:

- **the R.C.M.P. "E" Division,**
- **the Ministry of Attorney General,**

- **the Department of Justice,**
- **each independent municipal police department that maintains a full-time criminal intelligence unit,**
- **one of the five largest R.C.M.P. detachments, and**
- **one of the other R.C.M.P. detachments.**

ii. Joint Management Team

C.I.S.B.C.'s intelligence units and analytical staff, or one or more police agencies, will identify a particular organized crime group or individual member warranting enforcement action. A proposed operational plan will then be prepared, setting out the target, the alleged criminal activity, the intended plan of action including investigation methods, the time frame and the cost.

That plan should go to a C.I.S.B.C. Joint Management Team consisting of senior police officers representative of all participating law enforcement partners. The Joint Management Team should evaluate the plan and either approve it, reject it or send it back for modifications. If approved, the Joint Management Team should determine its priority in relation to other project requests. If the participating agencies have not already done so, the Joint Management Team will determine each agency's contribution of human, material and financial resources, which agency will take the lead and what additional material and financial resources and specialized services will be needed.

The Team needs to be a hands-on management team, and each member should be prepared to commit at least one day each week to Team responsibilities.

Recommendation 15

The Attorney General should provide for the appointment of a C.I.S.B.C. Joint Management Team consisting of at least the following:

- **the Officer in Charge of criminal operations for the R.C.M.P., "E" Division,**
- **the Deputy Chief Constable of the Vancouver Police Department in charge of operations,**
- **one senior officer from a Capital Regional District municipal police department,**
- **one senior officer from one of the five largest R.C.M.P. detachments, and**
- **one senior officer from a municipal police force or R.C.M.P. detachment, to be selected by the B.C. Association of Chiefs of Police, taking into account geographical representation.**

Recommendation 16

The Joint Management Team should be mandated by the Attorney General to:

- **accept, evaluate, approve and prioritize operational project proposals,**
- **determine each participating law enforcement agency's contribution of human, material and financial resources,**
- **designate the lead agency for each project, and**
- **ascertain and provide additional material and financial resources and specialized services that will be required.**

iii. Officer in Charge

Under this model C.I.S.B.C. will have intelligence gathering and intelligence analysis divisions (discussed above), and operations support and administration/finance divisions (discussed below). All four divisions should report to the Officer in Charge, C.I.S.B.C., a senior police officer with the rank of not less than Superintendent.

In the Committee's view the credibility of this rejuvenated organization and the effectiveness of its attack on organized crime hinges on the selection of an appropriate Officer in Charge. Qualification criteria should be clear and exacting, including evidence that candidates are competent and experienced police officers, with demonstrated leadership skills and experience in and a commitment to combatting organized crime.

The Joint Management Team and the Attorney General or his or her delegate should constitute the selection committee, and the selection process should be transparent. The Officer in Charge should be formally appointed by the Attorney General for a non-renewable term of five years, and should be removable for cause by the Attorney General.

Recommendation 17

There should be one police officer in charge of C.I.S.B.C., holding the rank of not less than Superintendent, who:

- **meets exacting qualification criteria, and**
- **is selected by the Joint Management Team and the Attorney General for a non-renewable five-year term.**

d. Joint Force Operations (JFO)

Each enforcement project approved by the C.I.S.B.C. Joint Management Team should be led by a senior police officer from the lead agency. Each JFO should include police officers with appropriate training and experience, one or more intelligence officers and tactical analysts from C.I.S.B.C., a legal advisor with expertise in organized crime investigations, proceeds of crime specialists and surveillance and intercept resources as necessary. Each JFO should have flexibility in choosing a case management and intelligence analysis system, provided that the data accumulated during the project is transferred to A.C.I.I.S. II on completion.

The project manager of each JFO is responsible to the Officer in Charge of C.I.S.B.C., and should report regularly or as set out in the operational plan. Subject to these periodic performance reviews, the project manager should have independent spending authority over funds approved for the project.

Recommendation 18

Each JFO should be led by a senior police officer from the lead agency, accountable to the Officer in Charge of C.I.S.B.C., who is responsible to ensure that the JFO is appropriately staffed and resourced and that it efficiently executes the operational plan.

e. Operational support equipment and services

Each JFO needs access to specialized equipment and services for activities such as surveillance, intercept and monitoring, forensic analysis of computer programs, forensic accounting and Internet monitoring. This equipment and these services are already provided through C.L.E.U., and should be transferred to C.I.S.B.C. and enhanced as necessary.

Recommendation 19

C.I.S.B.C. should be adequately staffed and resourced to be able to provide JFOs with all necessary support equipment and services beyond that which can be pooled from the contributing law enforcement partners.

f. Administration and finance

Under this model C.I.S.B.C. will have a significant component of civilian employees and assigned police officers. In addition, there may at any given time be numerous JFOs conducting enforcement operations. This necessitates an administrative structure with established personnel, accounting and audit policies. It is particularly important that assigned officers working in intelligence units are subject to a single set of operational policies on matters such as informant handling.

Provincial public servants currently employed at C.L.E.U. are hired under the authority of the *Justice Administration Act,* R.S.B.C. 1996, c. 243. This has the effect of exempting the employer from the *Public Service Act* and the *Public Service Labour Relations Act.* Under the proposed new scheme, government will need to decide whether civilians working within C.I.S.B.C. will be provincial government employees and, if so, whether there is a compelling justification to exclude them from this labour legislation.

Recommendation 20

C.I.S.B.C. should develop:

- **appropriate personnel, accounting and audit policies and procedures, and**
- **a single set of operational policies applicable to assigned intelligence officers.**

g. Policy development

Under this model most of C.L.E.U.'s Policy Analysis Division functions will be transferred to C.I.S.B.C., and will be under the command of the Officer in Charge. In the Committee's view, the remaining Policy Analysis Division functions (relating to providing policy advice to the Attorney General) should be transferred to the Police Services Division of the Ministry. This is consistent with the responsibility delegated from the Attorney General to the Director of Police Services under the *Police Act* to superintend policing and law enforcement functions in British Columbia (s. 39(1)). It will also enhance the Division's ability to keep the Attorney General informed about the magnitude of organized crime in the province, emerging trends and the need for legislative and regulatory initiatives.

Recommendation 21

The Director of Police Services of the Ministry of Attorney General should be responsible for the development of policy relating to organized crime.

Recommendation 22

The Attorney General, the Deputy Attorney General, the Director of Police Services or their delegate should represent the Government of British Columbia at regional, national and international meetings addressing organized crime policy issues.

Recommendation 23

The Officer in Charge of C.I.S.B.C. should represent British Columbia on intelligence and operational matters respecting organized crime.

APPENDICES

1. People the Committee interviewed
2. People who made written submissions to the Committee
3. Letter from the Committee to C.L.E.U.
4. British Columbia's existing response to organized crime: C.L.E.U. and C.I.S.B.C. organizational chart
5. Each level of government's percentage contribution to C.L.E.U.'s operating costs
6. C.L.E.U. personnel resources
7. British Columbia's response to organized crime: Key Functions
8. British Columbia's response to organized crime: Administrative and Oversight Structures

BRITISH
COLUMBIA

Appendix 3

July 29, 1998

Mr. Peter Engstad
Director: Policy Analysis
Coordinated Law Enforcement Unit
PO Box 9203, STN PROV GOVT
Victoria, British Columbia
V8R 5J2

Dear Mr. Engstad:

In our consultations with members of the policing community and with criminal justice lawyers, we have consistently heard that organized crime is a major problem in British Columbia; however, we have not been provided with the kind of detailed information which would enable us to quantify the problem.

The Organized Crime Independent Review Committee requires a clearer and more detailed documentation of the magnitude of the problem in order to complete its work. We would expect that this information could be compiled and provided to the committee without jeopardizing current investigations.

To this end, we would request that you provide us the following quantitative information and that, with respect to each response, you indicate the primary source of the information.

The following are examples of the type of information about organized criminal activities we are seeking:

- marijuana cultivation - the number of grow operations in B.C., the average size, the annual yield, the wholesale and/or retail value, the quantity consumed locally, delivery routes (including methods of shipment across international borders), ultimate destinations, organized crime groups involved, links with national and international organized crime groups etc.
- heroin and cocaine importation - for each drug, the amount imported into B.C. annually, the proportion which stays in B.C., the proportion transshipped and where to, the importation methods used, the retail value of heroin and cocaine consumed in B.C., principal consumer groups, organized crime groups involved in importation and B.C. distribution, links with national and international organized crime groups;
- other illegal drugs - a similar quantitative analysis.

MINISTRY OF ATTORNEY GENERAL

Independent Review Committee

MAILING ADDRESS:
PO Box 9287, Stn Prov Govt
VICTORIA BC V8W 9J7

LOCATION:
Sussex Building
10th Floor, 1001 Douglas Street
Victoria

Please provide a similar quantitative analysis for each other area of significant organized crime activity, such as fraud, prostitution, extortion, smuggling, gaming, thefts and robberies, etc. For each criminal activity, please provide as much detailed Information as possible respecting the involvement of distinct organized crime groups, and their links to national and international organized crime groups.

We would appreciate receiving similarly detailed information respecting the size and composition of organized crime groups operating in B.C. (such as OMG, AOC, ICOC and EEOC). To take the Hell's Angels as an example, it would be helpful to know the number of clubs, their location, the number of members per club, the number and size of associate clubs for each Hell's Angels club, the types of documented criminal activity engaged in by specific clubs and individuals, types of legitimate businesses owned and their value, etc.

We would also like to receive your best estimate of the amount of illegal revenue generated annually by organized crime groups broken down if possible by type of crime and type of organized crime group. How does each group launder these revenues, to what extent are they invested in legitimate BC assets or transferred outside B.C. and/or Canada?

May we also receive specific details of the number of investigations undertaken by CLEU in the past five years, setting out the subject matter, duration, number of CLEU personnel engaged, whether CLEU was the lead agency or played a supportive role and the number and nature of any convictions that resulted.

At a more general level, do we know the approximate economic cost attributed to organized crime in B.C., e.g. lost government revenue, losses to victims of fraud and extortions, costs for policing, prostitution and corrections.

In order for the committee to incorporate this information into our deliberations and report, we will need to receive your response by Friday, August, 14, 1998. Thank you for your attention to this important matter.

Yours truly,

Stephen Owen, Q.C.
Chair

cc: Inspector Dave Rhandawa

BRITISH
COLUMBIA

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- heroin and cocaine importation - for each drug, the amount imported into B.C. annually, the proportion which stays in B.C., the proportion transshipped and where to, the importation methods used, the retail value of heroin and cocaine consumed in B.C., principal consumer groups, organized crime groups involved in importation and B.C. distribution, links with national and international organized crime groups;
- other illegal drugs - a similar quantitative analysis.

MINISTRY OF
ATTORNEY GENERAL

Independent Review
Committee

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PO Box 9287, Stn Prov Govt
VICTORIA BC V8W 9J7

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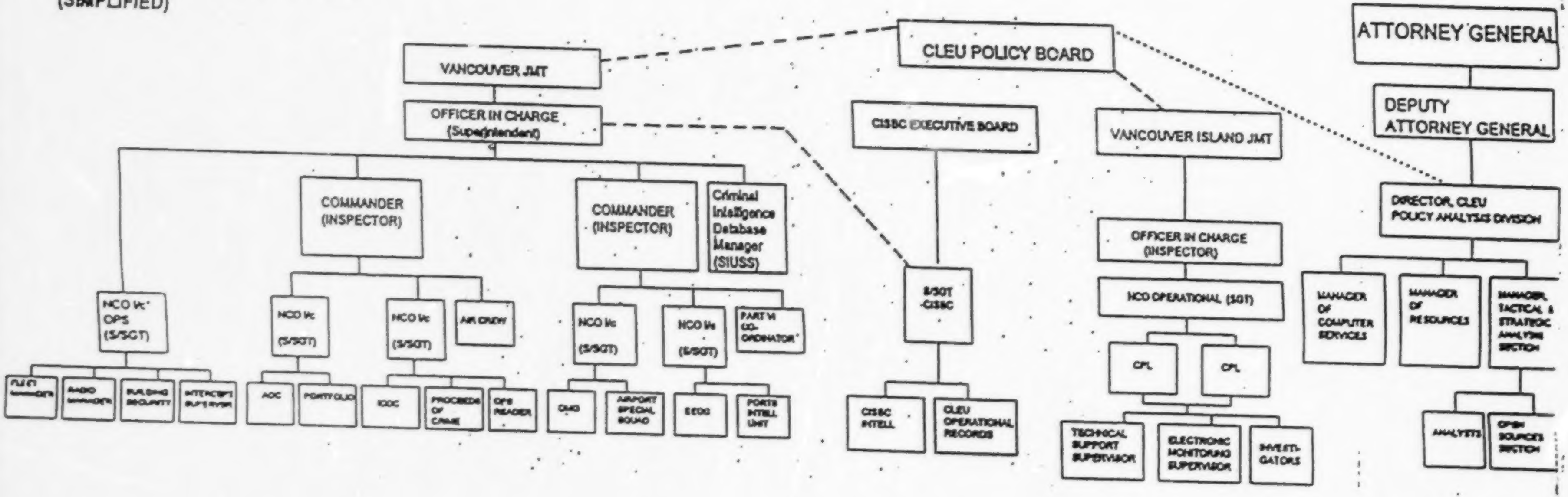
10th Floor, 1001 Douglas Street
Victoria

BRITISH COLUMBIA'S EXISTING RESPONSE TO ORGANIZED CRIME (SIMPLIFIED)


ATTORNEY GENERAL
DEPUTY ATTORNEY GENERAL
DIRECTOR, CLEU POLICY ANALYSIS DIVISION
MANAGER OF COMPUTER SERVICES
MANAGER OF RESOURCES
MANAGER, TACTICAL & STRATEGIC ANALYSIS SECTION
ANALYSTS
OPEN SOURCES SECTION
CLEU POLICY BOARD
VANCOUVER JMT
OFFICER IN CHARGE (Superintendent)
COMMANDER (INSPECTOR)
COMMANDER (INSPECTOR)
Criminal Intelligence Database Manager (SIUSS)
NCO i/c OPS (S/SGT)
FLEET MANAGER
RADIO MANAGER
BUILDING SECURITY
INTERCEPT SUPERVISOR
NCO i/c (S/SGT)
AOC
PORTFOLIO
NCO i/c (S/SGT)
IODC
PROCEEDS OF CRIME
OPS READER
AIR CREW
NCO i/c (S/SGT)
CMG
AIRPORT SPECIAL SQUAD
NCO i/c (S/SGT)
EEOG
PORTS INTELL UNIT
PART VI CO-ORDINATOR
CISBC EXECUTIVE BOARD
S/SGT -CISBC
CISBC INTELL
CLEU OPERATIONAL RECORDS
VANCOUVER ISLAND JMT
OFFICER IN CHARGE (INSPECTOR)
NCO OPERATIONAL (SGT)
CPL
CPL
TECHNICAL SUPPORT SUPERVISOR
ELECTRONIC MONITORING SUPERVISOR
INVESTI-GATORS

Appendix 4

APPENDIX 5

Percent Contribution to CLEU's Operating Costs Broken Down by Level of Government

	Provincial Government		MUN	FED	OTH
	CLEU	PSD			
A. PERSONNEL					
1. CLEU Operations					
OIC Vancouver	100				
OIC Vancouver Island	100				
RCMP Sworn Officers:					
Federal Positions				100	
Provincial		70		30	
Municipal			90	10	
Municipal Sworn Officers:					
Salary & benefits			100		
Overtime, expenses	100				
Special Constables	100				
Operations Support					
NCO i/c Ops Support	100				
Equipment Officers	100				
Communications Officers	100				
Monitor supervisor	100				
Bldg. Security	100				
Part VI Co-ordinator	100				
Admin Support/Finance					
Provincial	100				
RCMP				100	
Special Funding Agreements					
POC Unit:					
RCMP		100			
VPD			100		
Clerk	100				
Ports Intelligence Unit:		12.5			87.5[1]

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[1] Paid for by Vancouver Port Corporation

[redacted]	Provincial Government		MUN	FED	OTH
[redacted]	CLEU	PSD	[redacted]	[redacted]	[redacted]
2. CLEU Policy Analysis	100				
B. OPERATIONAL COSTS					
1. Building Rent					
Vancouver: East 8th	91.5			8.5	
Vancouver: West 6th	100				
Victoria: Cadboro Bay	100				
Victoria: John Street	100				
2. Occupancy Costs					
Security:					
East 8th	50			50	
Other	100				
Phone	100				
Postage	100				
3. Operational Expenses					
Aircraft rental	50			50	
Investigation expenses:					
Drug cases				100	
Other	50			50	
Informant fees:					
Municipal	100				
Drug cases & RCMP				100	
4. Specific MOUs					
VPD: 9 cars, 5 phones, 17 pagers			100		
RCMP: 10 cars, 5 phones & 17 pagers				100	

COORDINATED LAW ENFORCEMENT UNIT

Summary
CLEU PERSONNEL RESOURCES

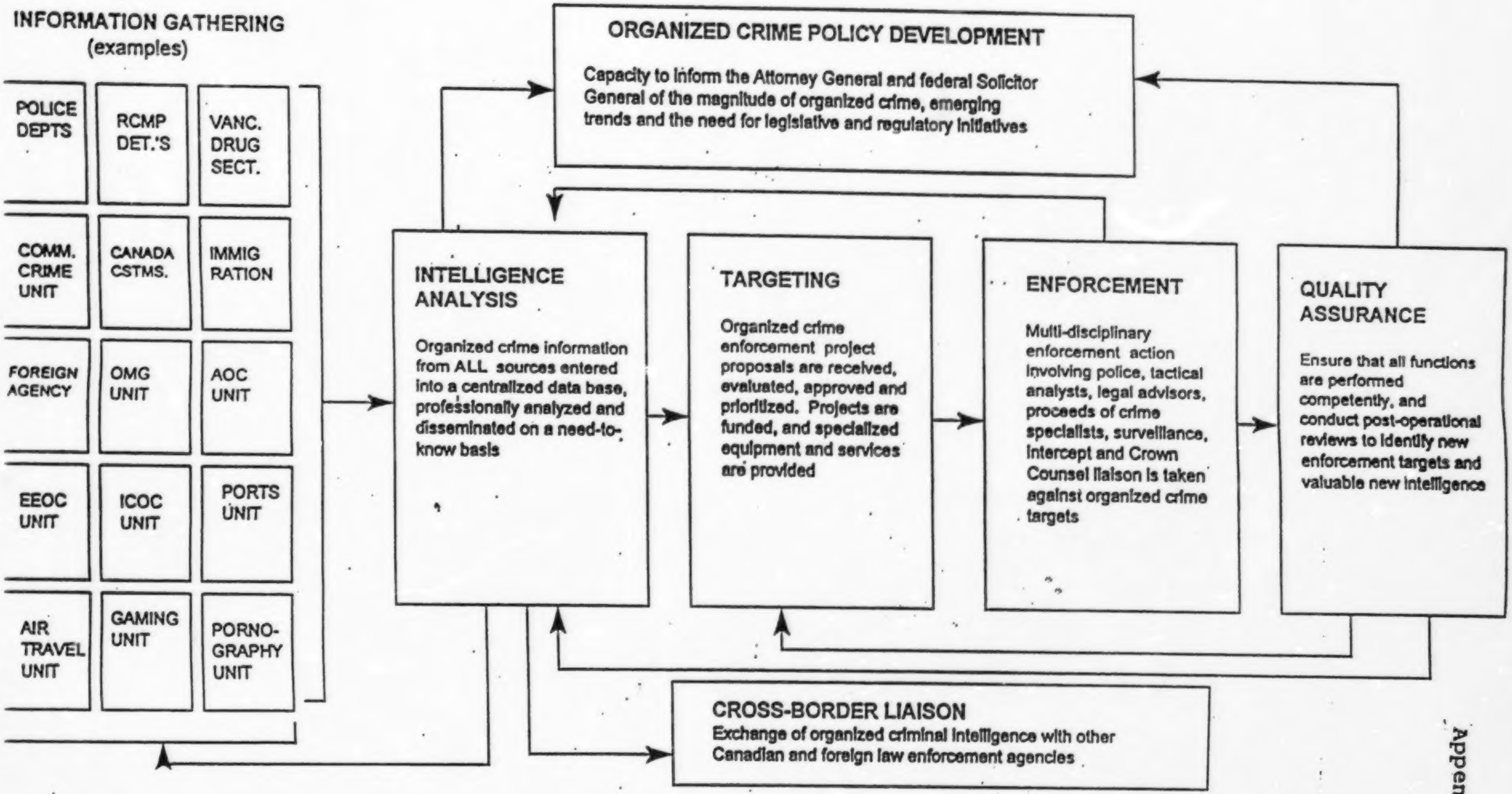
1997

A. LOWER MAINLAND	Regular Civilians	Police CLEU	Police CISBC	Police Admin.	TOTAL
Policy Analysis	46				46
Police Department Vancouver	0	36	2	2	40
Delta	0	1			1
West Vancouver	0	1			1
New Westminster	0	0			0
R.C.M.P. Federal	6	16	2	1	25
Provincial	2	16			18
Municipal	0	2			2
SUB TOTAL	54	72	4	3	133
B. VANCOUVER ISLAND					
Policy Analysis	10				10
Police Departments Victoria		2		1	3
Saanich		2			2
Oak Bay		0			0
Esquimalt		0			0
R.C.M.P. Provincial		4			4
SUB TOTAL	10	8		1	19
TOTAL	64	80	4	4	152

Appendix 7

British Columbia's Response to Organized Crime

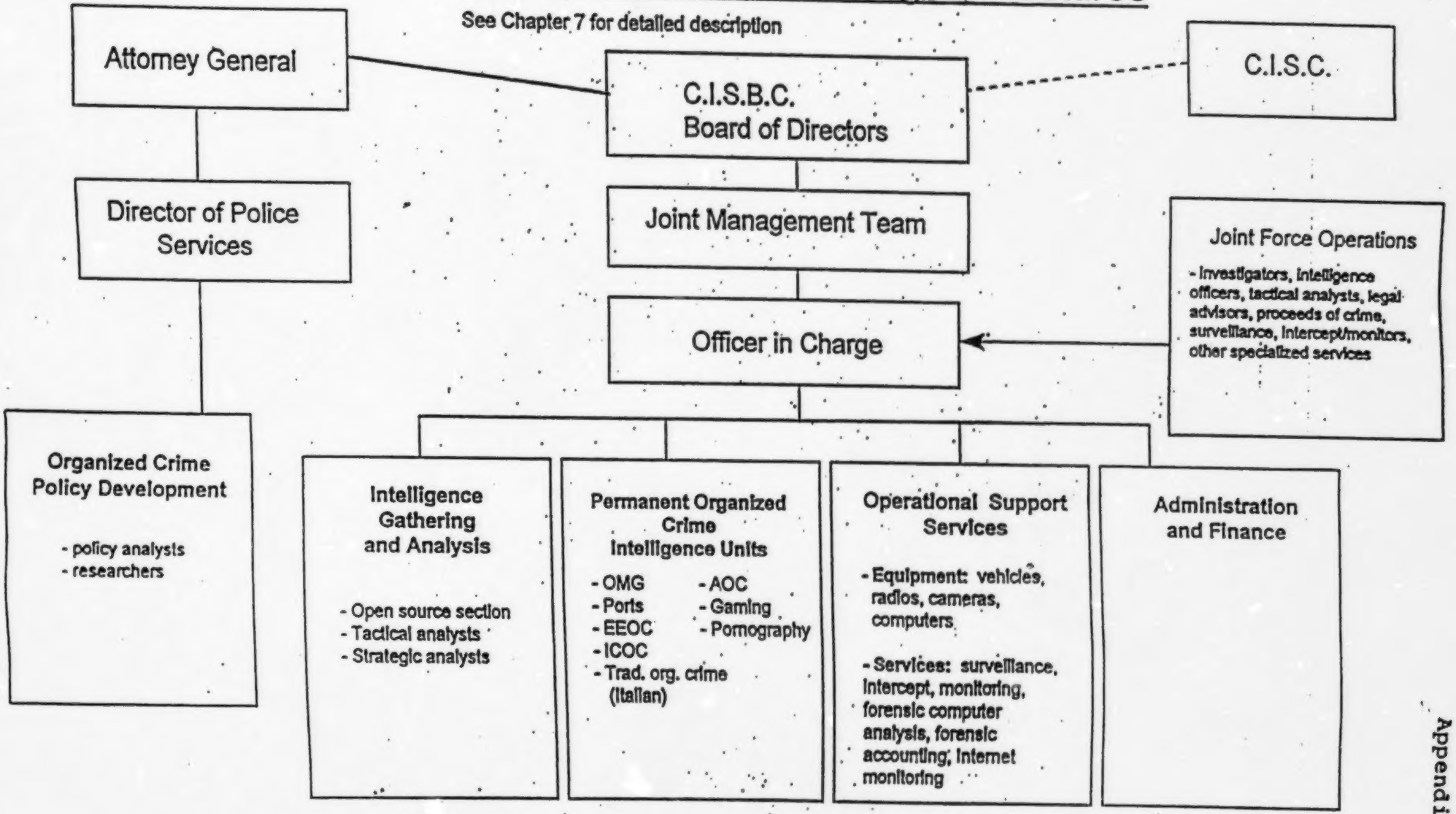
KEY FUNCTIONS


INFORMATION GATHERING
(examples)
POLICE DEPTS
RCMP DET.'S
VANC. DRUG SECT.
COMM. CRIME UNIT
CANADA CSTMS.
IMMIG RATION
FOREIGN AGENCY
OMG UNIT
AOC UNIT
EEOC UNIT
ICOC UNIT
PORTS UNIT
AIR TRAVEL UNIT
GAMING UNIT
PORNO-GRAPHY UNIT
ORGANIZED CRIME POLICY DEVELOPMENT
Capacity to inform the Attorney General and federal Solicitor General of the magnitude of organized crime, emerging trends and the need for legislative and regulatory initiatives
INTELLIGENCE ANALYSIS
Organized crime information from ALL sources entered into a centralized data base, professionally analyzed and disseminated on a need-to-know basis
TARGETING
Organized crime enforcement project proposals are received, evaluated, approved and prioritized. Projects are funded, and specialized equipment and services are provided
ENFORCEMENT
Multi-disciplinary enforcement action involving police, tactical analysts, legal advisors, proceeds of crime specialists, surveillance, Intercept and Crown Counsel liaison is taken against organized crime targets
QUALITY ASSURANCE
Ensure that all functions are performed competently, and conduct post-operational reviews to identify new enforcement targets and valuable new intelligence
CROSS-BORDER LIAISON
Exchange of organized criminal intelligence with other Canadian and foreign law enforcement agencies

British Columbia's Response to Organized Crime

Administrative and Oversight Structures

See Chapter 7 for detailed description


Attorney General
C.I.S.B.C.
Board of Directors
C.I.S.C.
Director of Police Services
Joint Management Team
Joint Force Operations
- Investigators, intelligence officers, tactical analysts, legal advisors, proceeds of crime, surveillance, intercept/monitors, other specialized services
Officer in Charge
Organized Crime Policy Development
- policy analysts
- researchers
Intelligence Gathering and Analysis
- Open source section
- Tactical analysts
- Strategic analysts
Permanent Organized Crime Intelligence Units
- OMG
- Ports
- EEOC
- ICOC
- Trad. org. crime (Italian)
- AOC
- Gaming
- Pornography
Operational Support Services
- Equipment: vehicles, radios, cameras, computers
- Services: surveillance, intercept, monitoring, forensic computer analysis, forensic accounting, Internet monitoring
Administration and Finance